



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 6 June, 2006

1. The House met at 11.07 a.m. Mr Speaker read Prayers.
2. Votes and Proceedings:
Mr Speaker announced that he had examined and approved the Votes and Proceedings of Thursday, 1 June, 2006.

By unanimous consent, the Votes and Proceedings was adopted.

3. Messages:
Mr Speaker read two Messages from the President, Federal Republic of Nigeria:

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PRESIDENT,
FEDERAL REPUBLIC OF
NIGERIA

PRES/134

3 June, 2006.

*The Honourable Speaker,
House of Representatives,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Hon. Speaker,

2006 NATIONAL POPULATION CENSUS: SUPPLEMENTARY EXPENDITURE FROM EXCESS CRUDE ACCOUNT

the Excess Crude Account to facilitate the successful conclusion of the 2006 National Population Census.

You would recall that initial delays were experienced in conducting the enumeration exercise for the 2006 National Population Census. These delays, which were associated with logistical hitches, resulted in non-coverage of a sizeable population, particularly in rural and remote areas and threatened the success of the exercise. Several State Governors contacted me during the period to express their concern about the situation and request for my intervention to avert failure.

After due consultation with key stakeholders, I granted an extension of two days to enable the National Population Commission satisfactorily conclude the exercise. The additional cost resulting from this extension amounted to N2,187,193,480 (Two billion, one hundred and eighty seven million, one hundred and ninety three thousand, four hundred and eighty Naira) only. The bulk of this amount (2.07 billion) was for payment of allowances to about 770,000 functionaries (supervisors, coordinators and enumerators) while the remaining amount was for fueling, transportation and other logistics. The European Union, which had provided some financial support for the exercise, including payment of allowances, could, however, not meet the incremental cost of the extension, due to administrative constraints.

As no budgetary provision had been made by the government for this supplementary cost, and given the urgency of the situation, I convened an emergency meeting of stakeholders, including Revenue Mobilisation, Allocation and Fiscal Commission, to discuss possible funding options. I also consulted extensively with several State Governors and the ALGON, following which, it was agreed that the only way to fund this was to source money from the Excess Crude Account. We all agreed it was a national emergency to save the Census. Accordingly, I granted approval for the money to be debited from the Excess Crude Account, the dollar-equivalent of which amounted to US\$17,290,067.04 (Seventeen million, two hundred and ninety thousand and sixty seven dollars). The bulk of this amount (N1.07 billion) was credited directly to the account of the United Nations Development Programme, Nigeria Office, which was responsible for administering the allowances.

May I request that this information should be communicated to the House of Representatives.

Yours sincerely,

(Signed) OLUSEGUN
OBASANJO

Clerk ordered to transmit Message to the Joint Committee on Appropriations and Finance; on the procedure for dealing with the Expenditure.



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

PRES/134

30 May, 2006.

The Honourable Speaker,
House of Representatives,
National Assembly Complex,
Three-Arms Zone, Asokoro -
Abuja.

Dear Hon. Speaker,

PORTS AND HARBOUR AUTHORITIES BILL 2005

I hereby present, for format consideration and passage into law by the House, the attached Bill which seeks to:

- (a) provide an appropriate institutional framework for the ownership, management, operation, development and control of ports and harbours to ensure the integrity, efficiency and safety of the ports based on the principles of accountability, competition, fairness and transparency; and
- (b) encourage private investment in port infrastructure, promote private sector participation in the provision of port services and facilities and promote and safeguard Nigeria's competitiveness and trade objectives.

I hope the Bill will receive prompt attention of Honourable Members of the House.

Yours sincerely,

(Signed)

OLUSEGUN OBASANJO

4. A Bill for an Act to Provide for the Regulation of Air Navigation, Establishment of the Nigerian Civil Aviation Authority and for Other Purposes Connected Therewith, 2005 (HB. 197) — *Second Reading; Motion made and Question proposed*, "That a Bill for an Act to Provide for the Regulation of Air Navigation, Establishment of the Nigerian Civil Aviation Authority and for Other Purposes Connected Therewith, 2005 be now read a Second Time" (*Hon. Abdul Ningi*).

Debate:

Question that the Bill be now read a Second Time, put and agreed to.

Bill read a Second Time and referred to the Committee on Aviation.

5. Consideration of Reports:
Committee on Solid Minerals:
Motion made and Question proposed, "That this House do resume consideration of the Report of the House Committee on Solid Minerals on a Bill for an Act to Repeal the Minerals and Mining Act, No. 34 of 1999 and Re-Enact the Minerals and Mining Act for the Purposes of Regulating all Aspect of the Exploration of solid Minerals in Nigeria and for Connected Purposes, 2005" (*Hon. Ogbuefi Ozombgachi*).

Question put and agreed to.

Question that the House do resolve into Committee of the Whole to resume consideration of the Report, agreed to.

Question that Order VII, Rule 2 (2) be suspended to enable Mr. Speaker preside in the Committee of Whole, put and agreed to.

(HOUSE IN COMMITTEE)

(Mr Speaker in the Chair)

A BILL FOR AN ACT TO REPEAL THE MINERALS AND MINING ACT, NO. 34 OF 1999 AND RE-ENACT THE MINERALS AND MINING ACT FOR THE PURPOSES OF REGULATING ALL ASPECTS OF THE EXPLORATION AND EXPLOITATION OF SOLID MINERALS IN NIGERIA AND FOR CONNECTED PURPOSES

Committee Recommendation:

New Clause 20: Delegation of powers by the Minister.

- (1) The Minister may, by notification in the Gazette, delegate to any department or officer of the Ministry the exercise or performance, subject to such conditions and restrictions as may be prescribed in the notification, of any function conferred on the Minister under this Act provided that it shall not apply to any function of the Minister to make Regulations.
- (2) An officer authorized in writing by the officer in charge of the Mines Inspectorate Department may enter any Mineral Title Area where Mining Operations are being carried out under this Act, or which is within the general area of the Mineral Title for the purposes of inspecting such operations and he shall be provided by the
of making a report. i
- (3) The failure of the Mineral Title Holder to provide access to an officer for the purposes of inspection under subsection (2) shall constitute an offence (*Hon. Ogbuefi Ozombgachi*)—*Agreed to.*

Question that New Clause 20 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 21: Regulation.

The Minister shall subject to the provisions of this Act make Regulations in respect of any matter required to be prescribed by Regulations under this Act and generally for giving full effect to the provisions of this Act, including prescribing, amending or withdrawing any form that may be required under this Act (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 21 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 22: Use of land for Mining a priority,

- (1) The use of land for Mining Operations shall have a priority over other uses of land and be considered for the purposes of access, use and occupation of land for Mining Operations as constituting an overriding public interest within the meaning of the Land Use Act, Cap L5, Laws of the Federation of Nigeria, 2004.
- (2) In the event that a Mining Lease, a Small-Scale Mining Lease or a Quarry Lease is granted over land subject to an existing and valid statutory or customary right of occupancy, the Governor of the state within which such rights are granted shall within sixty days of such grant or declaration revoke such right of occupancy in accordance with the provisions of section 28 of the Land Use Act (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 22 stand part of the Bill, put and agreed to.

PART III — MINING INCENTIVES

Committee Recommendation: New

Clause 23: Persons Eligible.

The persons eligible for the fiscal regime set out in this Part of this Act shall include companies or enterprises engaged in Mining Operations, including mineral beneficiation, processing and treatment; contractors engaged in the development and construction of a mine up to the start of commercial production and, contractors engaged during the commercial production period when the method of Mining selected is contract Mining (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 21 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 24: Allowances.

- (1) Any company eligible under the provisions of this part of this Act shall be entitled, in determining its total profits, to deduct from its assessable profits a capital allowance of one hundred per cent of Qualifying Capital Expenditure incurred in the year in which the investment is incurred without any limit; provided however, that for the purposes of the Second Schedule of the Companies Income Tax Act, Cap. C21 Laws of the Federation of Nigeria 2004, Qualifying Capital Expenditure shall include—
 - (a) all certified exploration, development and processing expenditure, including feasibility study and sample assaying costs; and
 - (b) all infrastructure costs incurred regardless of ownership and replacement.
- (2) The amount of any loss incurred by any person eligible under the provisions of this ~~part of this Act shall be deducted as far as is possible from the assessable profit~~ of the first year of assessment after that in which the loss was incurred and in so far as it cannot be so made, then from such amount of such assessable profits of the next year of assessment, and so on without limit as to time until the loss has been completely set off against the company' s subsequent assessable profits (*Hon. Ogbuefi Ozomgbachi*).

Amendment Proposed:

In subclause (1), line 1, immediately after the word "any", *leave out* the word "company" and *insert* the words "licence holder" instead thereof (*Hon. Mao Ohuabunwa*).

Question that the amendment be made, put and agreed to.

Question that New Clause 24 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 25: Exemption from customs duty and other benefits.

- (1) All operators in the mining industry shall be granted the following benefits—
- (a) exemption from payment of customs and import duties in respect of plant, machinery, equipment and accessories imported specifically and exclusively for mining operations
 - (b) expatriate quota and resident permit in respect of the approved expatriate personnel;
 - (c) personal remittance quota for expatriate personnel, free from any tax imposed by any enactment for the transfer of external currency out of Nigeria.
- (3) The plant, machinery, equipment and accessories imported pursuant to subsection (1) of this section may be disposed of by the holder of mining lease upon the full payment of customs and import duties in respect thereof.
- (4) The Mines Inspectorate shall ensure compliance with this section of this Act (*Hon. Ogbuefi Ozomgbachi*).

Amendment Proposed:

Retain the following provision in subclause (2) of the Principal Bill:

"For the purpose of subsection (1) of this section the Mines Inspectorate shall approve the appropriate machinery, equipment and accessories to be imported by the holder of a mining lease for the purpose of this section" (*Hon Almajir Geidam*).

Question that the amendment be made, put and agreed to.

Question that New Clause 25 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 26: Permission to retain and use earned foreign exchange.

Where the holder of a Mineral Title earns foreign exchange from the sale of his minerals he may be permitted by the Central Bank of Nigeria to retain in an external account a portion of his foreign exchange earnings for use in acquiring spare parts and other inputs required for the mining operations which would otherwise not be readily available without the use of such earning.

Amendment Proposed:

In line 2, immediately after the words "retain in an", *leave out* the word "external" and *insert* the words "foreign exchange domiciliary" instead thereof (*Hon. Umar El-Yakub*).

Question that the amendment be made, put and agreed to.

Question that New Clause 26 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 27: Free transferability of funds.

transferability through the Central Bank in convertible currency of —

- (a) payments in respect of loan servicing where a certified foreign loan has been obtained by the holder for his mining operations;
- (b) the remittance of foreign capital in the event of sale or liquidation of the mining operations or any interest therein attributable to foreign investment (*Hon. Ogbuefi Ozomgbachi*) — *Agreed to.*

Question that New Clause 27 stand part of the Bill, put and agreed to.

Amendment Proposed:**New Clause 28: Tax relief period.**

- (1) The tax relief period of a Company granted a mining lease under this Act shall commence on the date of operation and subject to the provisions of this Act or any other relevant financial enactment, the relief shall continue for three years.
- (2) The tax relief period of a company granted a mining lease under this Act may, by the end of the three years, be extended by the Minister for one further period of two years,
- (3) The Minister shall not extend the tax relief period of a Company in exercise of the power conferred under subsection (2) of this section unless the Minister satisfied as to
 - te) the rate of expansion, standard of efficiency and level of development of the company in operation of mining for which the lease was granted;
 - (b) the implementation of any conditions upon which lease was granted;
 - (c) the training and development of Nigerian personnel in the operation of the mineral concerned (*Hon. Almajir Geidam*).

Question that the amendment be made, put and agreed to.

Question that New Clause 28 as amended, stand part of the Bill, put and agreed to.

Consequent upon the above amendment, leave out the provisions in New Clauses 28 and 29 below.

Committee Recommendation:**New Clause 28: Value Added Tax and Stamp Duties.**

- (1) For Value Added Tax purposes—
 - (a) Any person eligible under the provisions of this part of this Act shall be entitled to the assessment of mineral exports at a zero rate for Value Added Tax purposes;
 - (b) mining companies and enterprises are entitled to a refund of the amount by which input value added tax exceeds the output value added tax, and
 - (c) value added tax refunds shall be paid to the persons entitled thereto within one year of the filing of the tax return, unless the Federal Inland Revenue Service has raised an assessment in respect of that tax return
- (2) Any person eligible under the provisions of this part of this Act shall not be liable to the payment of Stamp duty in respect of the amount by which the value of a transaction exceeds such sum as may be prescribed pursuant to this Act (*Hon. Ogbuefi Ozomgbachi*).

Committee Recommendation:**New Clause 29: Exemptions from Education Tax.**

An Any enterprise eligible for incentives under this part of the Act shall be exempt from the payment of Education Tax (*Hon. Ogbuefi Ozomgbachi*).

Committee Recommendation:

and the NIPC Act.

- (1) The provisions of the Foreign Exchange (Monitoring and Miscellaneous Provisions) Act, Cap. F34 Laws of the Federation of Nigeria, 2004 shall apply to any investment in foreign currency made in respect of any Mineral Title granted pursuant to this Act.

- (2) The provisions of the Nigerian Investment Promotion Commission Act shall apply to any foreign investment made in respect of any Mineral Title granted pursuant to this Act {Hon. Ogbuefi Ozomgbachi)—Agreed to.

Question that New Clause 30 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 31: Deducibility of Environmental Costs.

A tax deductible reserve for environmental protection, mine rehabilitation, reclamation and mine closure costs shall be established by companies engaged in the exploitation of Mineral Resources; provided however, that: the appropriateness of the reserve is certified by an independent qualified person taking into account the determination made under the provisions of this Act—

- (a) the reserve is recorded in the audited financial statements of the companies;
- (b) a sum equivalent to the reserve amount is set aside every year and invested in a dedicated account or trust fund managed by independent trustees appointed pursuant to the provisions of this Act; and
- (c) income or interest income earned by the investment fund shall be exempt from the payment of income tax, provided however, that any surplus over and above amount required to effect the reclamation shall be subject to income tax (Hon. Ogbuefi Ozomgbachi)—Agreed to.

Question that New Clause 31 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 32: Deducibility of Pensions Contributions: Federal Republic of Nigeria Official Gazette, No. 2 2004.

A tax deductible amount established in accordance with the applicable rate set out in the Pensions Reform Act shall be imposed on mining companies or enterprises, towards the payment of pensions to each employee (Hon. Ogbuefi Ozomgbachi)—Agreed to.

Question that New Clause 32 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 33: Annual Capital Cost Indexation.

An annual capital cost indexation, whereby the unclaimed balance of capital costs is increased yearly by five percent, shall apply to mines starting production within five years from the date of enactment of this Act (Hon. Ogbuefi Ozomgbachi)—Agreed to.

Question that New Clause 33 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 34: Royalty.

- (1) Any mineral obtained in the course of Exploration or mining operations shall be liable to pay royalty as prescribed in the Regulations made under this Act.
- (2) The Minister may reduce or waive royalty on any mineral which the Minister is satisfied is being exported solely for the purpose of analysis or experiment or as a scientific specimen, not being in greater quantity than is reasonably necessary for that purpose.

on the approval of the Federal Executive Council (Hon. Ogbuefi Ozomgbachi)
—Agreed to.

Question that New Clause 34 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 35: Establishment of the Solid Minerals Development Fund.

- (1) There is hereby established a Fund to be known as the Solid Minerals Development Fund (in this Chapter of this Act referred to as the Fund).
- (2) The Fund shall be utilized for the following—
 - (i) development of both human and physical capacity in the sector;
 - (ii) funding for geo-scientific data gathering, storage and retrieval to meet the needs of private sector led mining industry;
 - (iii) equipping the mining institutions to enable them perform their statutory functions;
 - (iv) Solid Minerals Sector contribution to CBN Micro-finance Scheme for on lending to small scale and artisanal Mining Operations.
 - (v) provision of infrastructure in Mines Land (*Hon. Ogbueft Ozomgbachi*)
—Agreed to.

Question that New Clause 35 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 36: Management Board of the Fund.

- (1) The Fund shall be managed by a body to be known as the Solid Minerals Development Board (in this chapter of the Act referred to as "the Board") which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.
- (2) The Board shall comprise—
 - (a) a Chairman to be appointed by the President on recommendation of the Minister of Solid Minerals Development;
 - (b) two persons to represent the Central Bank of Nigeria;
 - (i) one person to represent Banker's Committee;
 - (d) three persons to be appointed by the Minister; and
 - (e) the Secretary to the Board.
- (3) The quorum for meeting of the Board shall be five, of whom at least one shall be a member representing the Central Bank.
- (4) The Board shall meet not less than four times in each year and on such other occasion as the Board may consider necessary.
- (5) At any meeting of the Board, the Chairman shall preside, but if he is absent, the members present at the meeting shall appoint one of their number to preside at the meeting.
- (6) Subject to Section 27 of the Interpretation Act (which provides for decision of a
presiding to have a casting vote), the Board may make orders regulating its
proceedings and those of any of its Committees.
- (7) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him as a member for such period as it thinks fit, but a person who is a member by virtue of this subsection shall not be entitled to vote in any meeting of the Board and shall not count towards a quorum.
- (8) There shall be a Secretary to the Board and the Secretariat of the Board shall be located in the Central Bank or such place as the Minister may determine.

- (9) The administrative expenses of the Board shall be borne by the Federal Government (*Hon. Ogbuefi Ozomgbachi*)—Agreed to.

Question that New Clause 36 stand part of the Bill, put and agreed to.

Committee Recommendation:

New **Clause 37: Functions and Powers of the Board.**

Notwithstanding any other provision of this Act, the Board shall—

- (a) monitor the operation and evaluate the progress of the Fund;
- (b) advise the Minister as to changes required to improve the operation of the Fund;
- (c) receive and consider the report of the management agent appointed under section 19 of this Act and advise the Minister on it;
- (d) determine the remuneration of external auditors and solicitors;
- (e) publish names of defaulters of loans granted under this Act in the national newspaper;
- (f) pursue defaulters through judicial action;
- (g) solicit the assistance of Government loan machinery in the recovery of loans granted under this Act; and
- (h) perform such other functions relating to the Fund as may be assigned to it by the Minister (*Hon. Ogbuefi Ozomgbachi*)—Agreed to.

Question that New Clause 37 stand part of the Bill, put and agreed to.

Committee Recommendation:

New **Clause 38: Management agent.**

The Central Bank shall be deemed to have been appointed as the managing agent for the purpose this section (*Hon. Ogbuefi Ozomgbachi*).

Amendments Proposed:

- (i) Leave out the Marginal Title "Management agent" and insert the Marginal Title "Custodian of the Fund" instead thereof (*Hon. Almajir Geiam*).

Question that the amendment be made, put and agreed to.

- (ii) In line 1, immediately after the words "appointed as the", leave out the words "managing agent" and insert the words "Custodian of the Fund" instead thereof (*Hon. Almajir Geidam*).

Question that the amendment be made, put and agreed to.

Question that New Clause 38 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

New, **Clause 39: Financial provisions.**

The Fund shall consist of—

- (a) any sums appropriated for Solid Minerals Development under the Revenue Act or
- (b) any sums appropriated for Solid Minerals Development under the Small and Medium Industries Equity Investment Scheme (SMIEIS);
- (c) any funds received as grants, donations, foreign loans, bonds and long term swaps;
- (d) any sums appropriated to it by the Federal Government Budgetary allocation (*Hon. Ogbuefi Ozomgbachi*)—Agreed to.

Question that New Clause 39 stand part of the Bill, put and agreed to.

Amendments Proposed:

- (i) Insubclause 1, line 1, *leave out* the words "managing agent" and *insert* the word "Board" instead thereof — *consequential amendment*.
- (ii) In subclause (1), line 1 after the word "submit", *leave out* the words "through the Board" (*Hon. Ogbuefi Ozomgbachi*).

Question that the amendment be made, put and agreed to.

Question that New Clause 43 as amended, stand part of the Bill, put and agreed to.

PART IV — MINERALS EXPLORATION

Committee Recommendation:

New Clause 44: Records and plans of Exploration and Exploitation.

- (1) Any person that undertakes or is involved in the search for or exploitation of Mineral Resources under a Mineral Title or further to the authorization of the Minister in accordance with the provisions of this Act shall—
 - (a) keep correct plans of Exploration or Mining Operations conducted within the Mineral Title Area;
 - (b) keep correct records of every Mineral found and ore reserve calculated on the area of his Mineral Title Lease;
 - (c) supply to the Mining Cadastre Office copies of the plans and records at such time and periods and in such manners as the Mining Cadastre Office may demand; and
 - (d) provide to the Nigerian Geological Survey Agency for storage and archiving, a complete set of all geo-scientific data acquired in the course of such activity inclusive of maps, coring and samples;
 - (e) the plans required to be kept shall be prescribed.
- (2) No core obtained in the exercise of rights conferred by a Mineral Title shall be destroyed or otherwise disposed of except for the purposes of assay, identification, or analysis without the permission in writing of the Minister, which permission shall not be unreasonably withheld.
- (3) Any person who destroys or disposes of core or samples in contravention of subsection (2) of this section shall be guilty of an offence.
- (4) The data required to be provided under subsection (1) of this section, shall be provided to the Nigerian Geological Survey Agency in such a manner as is sufficient for the identification of the core or sample and the location and geological horizon of its origin.
- (5) The data required to under subsection (1) of this section, shall be kept confidential and shall not be disclosed to the general public until the earlier of—
 - (a) a period of 5 years after its submission; or
 - (b) a part of the Mineral Title Area is relinquished by the Mineral Title
 - (c) when the Holder, of the Mineral Title ceases to hold the title either as a result of revocation of the title or relinquishment thereof.
- (6) When disclosure of the data is required by the general public, it shall be made available in accordance with the format stated in the Regulations.
- (7) Any person that undertakes or is involved in the search for or exploitation of Mineral Resources in contravention of the provisions of subsection (1) of this section shall be guilty of an offence (*Hon. Ogbuefi Ozomgbachi*).

Amendment Proposed:

In subclause (1), line 1, after the words "involved in" *leave out* the words "the search for" and *insert* the words "reconnaissance or exploration" (*Hon. Ogbuefi Ozomgbachi*).

Question that the amendment be made, put and agreed to.

Question that New Clause 44 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 45: Discovery of Radioactive Minerals.

- (1) The Holder of a Mineral Title shall, if he discovers during the course of mining, any radioactive mineral or any mineral that may reasonably be expected to be radioactive, immediately notify the Mines Inspectorate Department of the discovery in writing.
- (2) The provisions of the Nuclear Safety and Radio-active Act, Cap. 19 LFN 2004 shall apply to any radio-active mineral discovered pursuant to Mineral Exploitation under this Act,
- (3) The Mines Inspectorate Department may, in consultation with other relevant authorities and with the approval of the Minister, authorise the removal of the radioactive Minerals from the land where they have been obtained to any other place approved by the Minister for safe custody and in accordance with subsection (2) of this section (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 45 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 46: Disclosure of confidential information.

- (1) Any officer or former officer responsible for the administration of this Act who has any confidential information, which if generally known might reasonably be expected to materially affect a Mineral Exploitation activity which—
 - (a) such officer acquired by virtue of his official capacity or former official capacity, and
 - (b) it would be reasonable to expect a person in his official capacity or former official capacity not to disclose except for the proper performance of the functions attached to that official capacity,
 shall not make improper use of such information to gain, directly or indirectly, an advantage for himself or for any other person.
- (2) An officer appointed under this Act shall within thirty days of his appointment disclose any Mineral Title he may have or interest therein at the time of his appointment. No officer shall directly or indirectly acquire any Mineral Title under this Act during the term of his appointment.
- (3) Any officer who fails to comply with the provisions of sub-section (1) or (2) of this section commits an offence (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 46 stand part of the Bill, put and agreed to.

Committee Recommendation:

- (1) Subject to the provisions of this Act, the right to search for or exploit Mineral Resources is obtained through one of the following Mineral Titles in the form of—
 - (a) a Reconnaissance Permit;
 - (b) an Exploration Licence;
 - (c) a Small - Scale Mining Lease;
 - (d) ... a Mining Lease;

. (e) ^a Quarry Lease; and

(f) a Water Use Permit.

- (2) Subject to the exceptions provided in this Act, any person that undertakes or is involved in the search for or exploitation of Mineral Resources without the requisite Mineral Title or authority shall be guilty of an offence.
- (3) Any Mineral Title issued under this Act shall be subject to such conditions as may be prescribed in the licence or lease or by Regulation made under this Act.
- (4) The form of all Mineral Titles shall be prescribed (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 47 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 48: Qualification for Reconnaissance Permit.

A qualified applicant for a Reconnaissance Permit is—

- (a) a Citizen of Nigeria with legal capacity and who has not been convicted of a criminal offence; or
- (b) a body corporate duly incorporated under the Companies and Allied Matters Act; or
- (c) a Mining Cooperative (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 48 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 49: Qualification for Exploration Licence.

A qualified applicant for an Exploration Licence is—

- (a) a body corporate duly incorporated under the Companies and Allied Matters Act,
- (b) a Mining Cooperative.
- (c) the holder of a Reconnaissance Permit granted in respect of the area subject to the application, provided that the applicant has fulfilled all the conditions attached to the Reconnaissance Permit (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 49 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 50: Qualification for Small-Scale Mining Lease.

A qualified applicant for a Small-Scale Mining Lease is—

- (a) a Citizen of Nigeria with legal capacity and who has not been convicted of a criminal offence;
- (b) a Mining Cooperative;
- (c) a body corporate duly incorporated under the Companies and Allied Matters Act.
- (d) the holder of a Exploration Licence granted in respect of the area subject to the application, provided that the applicant has fulfilled all the conditions attached to the Exploration Licence (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 50 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 51: Qualification for Mining Lease.

A qualified applicant for a Mining Lease is a body corporate duly incorporated under the Companies and Allied Matters Act or other legal entity that—

- (a) has demonstrated under conditions stated in the regulations that a commercial quantity of Mineral Resources exists in the area in respect of which the application is made, and
- (b) has fulfilled all the conditions attached to the Exploration Licence in respect of the area subject to the application (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to*.

Question that New Clause 51 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 52: Qualification for Quarry Lease.

A qualified applicant for a Quarry Lease is —

- (a) any individual citizen of Nigeria with legal capacity and who has not been convicted of a criminal offence;
- (b) a Mining Cooperative;
- (c) a body corporate duly registered under the Companies and Allied Matters Act;
- (d) any person extracting construction materials for the construction of roads, railway lines, dams and other engineering works or structures of public interest (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to*.

Question that New Clause 52 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 53: Qualification for Water Use Permit.

A qualified applicant for a Water Use Permit is—

- (a) the Holder of the Mining Lease or Quarry Lease at the time that the water right granted will be used; or
- (b) an applicant for a Mining Lease, Small-Scale Mining Lease or Quarry Lease for which the water right will be required to be used (*Hon. Ogbuefi Ozomgbachi*).

Amendment Proposed:

In paragraph (a), line 1, after the words "of the" insert the words "Exploration License"—*consequential amendment*.

Question that New Clause 53 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 54: Prohibition of Certain Persons from obtaining Mineral Titles.

The Mining Cadastre Office shall not grant a Mineral Title under this Act to an applicant if it is shown that any of the members or directors of the applicant or a shareholder holding a controlling share of the applicant has been convicted of a felony or an offence under this Act (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to*.

Question that New Clause 54 stand part of the Bill, put and agreed to.

Committee Recommendation: New

Clause 55: Working capital.

- (1) The Mining Cadastre shall require an applicant for Mineral Title to provide —
 - (a) proof of sufficient working capital for the Exploration and mining of the area applied for and of technical competence to carry on the proposed Exploration or mining operation;
 - (b) any other information as the Mining Cadastre shall require or prescribe.

- (2) Where an applicant fails to satisfy the Mining Cadastre as provided in subsection (1) of this section, the Mining Cadastre shall refuse the applicant. The applicant shall submit a new application to the Mining Cadastre Office (*Hon. Ogbuefi Ozomgbachi*)—Agreed to.

Question that New Clause 55 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 56: Grant of Reconnaissance Permit.

Subject to the provisions of this Act, the Mining Cadastre Office shall, within 30 days of the receipt of the application of any qualified applicant and upon payment of the prescribed fees, grant and issue to that person a Reconnaissance Permit to search for Mineral Resources (*Hon. Ogbuefi Ozomgbachi*)—Agreed to.

Question that New Clause 56 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 57: Conditions for grant of Reconnaissance Permit.

- (1) A Reconnaissance Permit shall be granted subject to the covenants and conditions that the Holder thereof shall—
- (a) carry out reconnaissance on a non-exclusive basis;
 - (b) not engage in drilling, excavation or other sub-surface techniques;
 - (c) submit information and such periodical reports as may be prescribed by relevant Departments of the Ministry;
 - (d) conduct reconnaissance activities in an environmentally and socially responsible manner as may be prescribed by relevant Departments of the Ministry;
 - (e) compensate users of land for damage to land and property; and pay the prescribed fees.
- (2) The activities allowed under a Reconnaissance Permit together with corresponding environmental and social obligations shall be further specified in regulations.
- (3) Reconnaissance activity authorized by a Reconnaissance Permit shall not constitute a land use right for the purposes, objectives, rents, fees and requirements of the Land Use Act.
- (4) A Reconnaissance Permit is not transferable (*Hon. Ogbuefi Ozomgbachi*)—Agreed to.

Question that New Clause 57 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 58: Duration of Reconnaissance Permit.

A Reconnaissance Permit shall be issued for a period of one year and is renewable annually provided the requirements of this Act and its regulations have been met (*Hon. Ogbuefi Ozomgbachi*)—Agreed to.

Question that New Clause 58 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 59: Rights of Holder of Reconnaissance Permit.

- (1) A Reconnaissance Permit, confers on the Holder the right to —
- (a) obtain access into, enter on or fly over any land within the territory of Nigeria available for Mining purposes to search for Mineral Resources on a non-exclusive basis; and —
 - (b) obtain and remove surface samples in small quantities.

- (2) Subject to the provisions of this Act, the Reconnaissance Permit shall not be granted over any land that is or has become subject to an Exploration Licence, Small-Scale Mining Lease, Mining Lease or Water Use Permit (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 59 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 60; Grant of Exploration Licence.

- (1) Subject to the provisions of this Act, the Mining Cadastre Office shall, upon receipt of a valid application from a qualified applicant, grant and issue to that person, an Exploration Licence within thirty days of the filing of such application;
- (2) An Exploration Licence shall not be granted over any land that is subject to an existing Exploration Licence, Mining Lease, Small-Scale Mining Lease or Quarry Lease.
- (3) An exploration licence shall not be granted in respect of an area exceeding 200 square kilometres (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 60 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 61: Rights of Exploration Licence Holder.

- (1) The holder of an Exploration Licence shall have the exclusive right to conduct Exploration upon the land within the area of his licence and for that purpose may
 - (i) enter upon the land with his agents and workmen;
 - (ii) employ on the land any number of persons for the purpose of such Exploration, and
 - (iii) erect and maintain thereon any machinery and plant and subject to the provisions of this Act, construct such ways as may be necessary for or in connection with his Exploration operations;
 - (iv) explore on an exclusive basis for all Mineral Resources and to carry out the operations and work necessary for the achievement of this objective;
 - (v) take, remove and export specimens and samples not exceeding such limit as prescribed in the Regulations to be reasonably required for purposes of analyses;
 - (vi) conduct bulk sampling and trial processing of Mineral Resources not exceeding such limit as is reasonably required for determining mining potential;
 - (vii) sell specimens and samples obtained from exploration activities or from bulk sampling and trial processing;
 - (viii) while engaged in exploration, take timber other than protected trees and use water from any lake, or Watercourse not the subject of a Water Use Permit for domestic purposes, in accordance with Regulations; and sink or drill shafts or wells and dig holes and trenches.
- (2) Who has fulfilled all the conditions attached and subject to the provisions of this Act, shall be entitled to the grant of a mining lease for any mineral for which he was authorized to explore (the authority not having been determined by a notice) under the provisions of this Act in respect of any portion of the area included in the licence (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 61 stand part of the Bill, put and agreed to.

*Committee Recommendation:***New Clause 62: Obligations of an Exploration Licence Holder.**

- (1) Every Holder of an Exploration Licence shall—
- (a) conduct exploration activities in a safe, friendly, skillful, efficient and workmanlike manner in accordance with the regulations;
 - (b) conduct exploration activities in an environmentally and socially responsible manner;
 - (c) if intending to explore on land occupied subject to a right of occupancy, give notice to the Chairman of the affected Local Government Area concerned and to the holder of the right of occupancy or the User or Occupier of the land before commencing exploration activities on the land; and where the Mineral Title area is within more than one Local Government Area, the Mineral Title holder shall give notice to the respective chairmen of the Local Government Areas concerned and the holders of rights of occupancy or the Users and Occupiers of land affected accordingly.
 - (d) maintain and restore, the land that is the subject of the licence to a safe state from any disturbance resulting from exploration activities, including, but not limited to, filling up any shafts, wells, holes or trenches made by the title holder, and in compliance with applicable environmental laws and regulations;
 - (e) not abstract, divert or discharge water or effluent from any Watercourse except in compliance with a Water Use Permit and Regulations;
 - (f) not explore in any forest reserve except with the approval of the Minister and in consultation with other relevant authorities and subject to such conditions as may be specified in the Regulations;
 - (g) compensate Users or Occupiers of land for damage to land and property resulting from activities in the exploration area;
 - (h) allow geological surveys and mapping by government agencies and scientific surveys by educational institutions as provided for in this Act, if such activities will not interfere with exploration operations;
 - (i) submit information and such periodical reports as may be prescribed in the Regulations; and
 - (j) pay all applicable fees, annual rental and water usage charges.
- (2) The Mining Cadastre Office may, upon the application of the Holder and for good cause shown, suspend the obligation to work in respect of the Licence and may direct that any or part of the period of suspension shall not be reckoned in the currency of the licence, if during that time no work is done by the Holder on the lands included in the area covered by the licence.
- (3) The activities allowed under an Exploration Licence together with corresponding environmental, social and other obligations shall be further prescribed.

the holder of an exploration licence has the exclusive right to apply for, and to be granted subject to this Act, one or more Small-Scale Mining Leases, Mining Leases or Quarry Leases in respect of any part or parts of the exploration area, if the Exploration Title Holder has complied with the obligations of the Exploration Licence under this Act (*Hon. Ogbuefi Ozomgbachi*)~Agreed to.

Question that New Clause 62 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 63: Duration of an Exploration Licence.

The duration of an Exploration Licence is for three years and it may be renewed for two further periods of two years each provided—

- (i) the tittleholder has complied with his minimum work obligation commitments; and
- (ii) all other requirements of this Act and its regulations have been met (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 63 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 64: Payment of Royalty for Sale of Mineral Resources under Exploration Licence.

The Holder of an Exploration Licence who sells any Mineral Resources as provided for in of this Act shall be subject to the payment of royalty as if the Mineral Resources sold were obtained under a Mining Lease (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 64 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 65: Discovery of additional Minerals.

- (1) An applicant for a Mining Lease, Small-Scale Mining Lease and Quarry Lease shall indicate the Minerals, which he intends to Mine within his Lease on his application.
- (2) Where in the course of the exercise of his rights under this Act the Holder of a Mining Lease, Small-Scale Mining Lease and Quarry Lease discovers any Mineral not specified in his Lease, he shall, within thirty days of the discovery, notify the Mining Cadastre Office in writing of the discovery.
- (3) The notice given to the Mining Cadastre Office under Subsection (1) of this section shall-
 - (a) contain particulars of the Minerals discovered;
 - (b) the location and circumstance of the discovery; and
 - (c) have appended thereto a proposed program for the orderly and timely exploitation of the minerals discovered therewith.
- (4) Where the Mining Cadastre is satisfied with the programme proposed by the Mineral Title holder under subsection (2) (c) of this section, it shall approve the application within thirty days of the submission of the application and shall accordingly endorse the Mineral Title with the right or authority to the holder to mine the Mineral discovered; provided however that where the Minerals subsequently discovered are security Minerals—
 - (i) the provisions of subsection (3) (c) of this Section shall not apply; (ii)

the Mineral Titleholder shall not have a right to mine such Mineral,
- (5) It shall be an offence for a Mineral Title Holder or any of his agents or employees to conduct Mining Operations with respect to any Mineral not included in the
Ozomgbachi).

Amendment Proposed:

In subclause (1), line 1, after the article "a", insert the words "exploration license" — *consequential amendment.*

Question that New Clause 65 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 66: Grant of Mining Lease.

- (1) Subject to the provisions of this Act, the Mining Cadastre Office shall, upon receipt of a valid application from a qualified applicant, grant and issue to that person a Mining Lease for the purposes required within forty-five days of such application.
- (2) No Mining Lease shall be granted in respect of any area within an Exploration Licence Area or a Small-Scale Mining Area except to the Holder of the Exploration Licence or Small-Scale Mining Lease covering such area.
- (3) A Mining Lease shall not be granted to any company unless the company has employed a person who possesses adequate professional qualification and experience in mining and the Mining Cadastre Office is satisfied that the company shall, during the currency of the lease, have such qualified person in its employment.
- (4) The Mining lease shall remain in force for such time only as the lessee employs a person who possesses adequate mining qualifications and experience to personally supervise the Mining Operations being undertaken by the company during the period of the Lease; or
- (5) Where a person with adequate mining qualifications and experience is not available to supervise the Mining Operations being undertaken, the company shall cease operations until a suitably qualified person is available (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 66 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 67: Duration of Mining Lease.

The duration of a Mining Lease is twenty-five years, and shall be renewable every twenty years provided that—

- (i) the Holder thereof has complied with his minimum work obligation commitments; and
- (ii) all other requirements of this Act and its regulations have been met (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 67 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 68: Area for Mining Lease.

The area of land in respect of which any Mining Lease is granted shall be determined in relation to the ore body as defined in the feasibility study submitted in respect of the Mining Lease together with an area reasonably required for the workings of the Mineral Resources, provided such area shall not exceed fifty square kilometers (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 68 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 69: Rights of Mining Lease Holder.

-
- (a) obtain access and to enter the Mining Lease Area;
 - (b) exclusively use, occupy and carry out Mineral Exploitation within the Mining Lease Area;
 - (c) exclusively carry out exploration within the Mining Lease Area;
 - (d) utilize the water and wood and other construction materials as necessary for mineral exploitation in accordance with the Permit and Regulations;

- (e) use such portions as may be required for the purposes of growing such plants and vegetables, or keeping such animals, poultry and fish as may be reasonable for use of the employees at the Mine;
- (f) store, remove, transport, submit to treatment, transform and process the Mineral Resources, and dispose of any waste; and
- (g) market, sell, export or otherwise dispose of the mineral products resulting from the Mining Operations (*Hon, Ogbuefi Ozomgbachi*)—*Agreed to*.

Question that New Clause 69 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 70: Prohibition of Sale of plants, animals, water obtained in the Mining Lease area without authorization.

The Holder of a Mining Lease shall not, unless authorized under any other Federal law, remove beyond the boundaries of the Mining Lease area for commercial gain any of the timber or other forest produce, plants, vegetables, animals, poultry, fish, or water obtained from or raised on the Mining Lease area (*Hon Ogbuefi Ozomgbachi*)—*Agreed to*.

Question that New Clause 70 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 71: Obligations of Mining Lease Holder.

(1) Every Holder of a Mining Lease shall —

- (a) commence mine development within eighteen months for a Mining Lease for Mineral Resources and, twelve months for a Mining Lease for Mineral Water, effective from the date that the requirements of this Act have been met, unless circumstances justify an extension of the period;
- (b) commence production no later than thirty-six months for a Mining Lease for Mineral Resources and twelve months for a Mining Lease for Mineral Water, effective from the date that the requirements of this Act have been met, unless circumstances justify an extension of the period;
- (c) carry out Mining Operations in a skillful and efficient manner;
- (d) maintain the Mining Lease area and Mining Operations in a safe manner in compliance with applicable mine health and safety regulations;
- (e) not divert water from any water course in a manner contrary to the provisions of this Act;
- (f) comply with social obligations prescribed in the regulations;
- (g) comply with all requirements for Environmental Impact Assessment Studies and protection plans required under this Act;
- (h) allow access to any adjoining land through the Mining Lease area insofar as such access shall not interfere with Mining Operations;
- (i) allow the construction and use on Mining Lease area of such waterways, canals, pipelines, sewers, drains, wires, transmission lines, public roads,
- (j) compensate owners or lawful occupiers of land for the revocation of their rights to use the land under of this Act;
- (k) submit information and such periodical reports as may be prescribed in the Regulations;

(0 cause to be maintained in Nigeria, plans and true and sufficient books of account of the Mining Operations and other businesses undertaken in the Mining Lease area, and of the sale or other disposal of the Mineral Resources obtained; and to produce such books upon request from duly authorized officers; and

(m) pay fees, annual rental, royalty and water usage charges, if any and as prescribed in the regulations.

(2) The activities allowed under a Mining Lease together with corresponding environmental and social obligations shall be further specified in regulations (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to*.

Question that New Clause 71 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 72: Pre-Conditions for commencement of development.

- (1) The Holder of a Mining Lease shall not commence any development work or extraction of Mineral Resources on the Mining Lease Area until after—
 - (a) the submission and approval by the Mines Environmental Compliance Department of all Environmental Impact Assessment Studies and mitigation plans required under applicable environmental laws and regulations;
 - (b) the submission and approval by the Mines Inspectorate Department of the details of the work which the applicant is prepared to undertake or a programme for carrying out any minimum work obligations imposed by the Mines Inspectorate Department;
 - (c) the conclusion of a Community Development Agreement approved by the Mines Environmental Compliance Department;
 - (d) the Holder has duly notified, compensated, or offered compensation to all users of land within the Mining Lease Areas as provided for under this Act or in the event of a dispute, after the matter has been resolved by Arbitration;
- (2) The Holder of a Mining Lease, except a Mining Lease for Mineral Water Exploitation, is required to have resolved the matters specified in subsection (1) (a) and (b) of this section within three years from the issue of the Mining Lease, failing which the Mining Lease may be temporarily suspended without affecting the rental payments that shall continue and without prejudice to the transfer right of the title Holder under the provisions of this Act;
- (3) The Holder of a Mining Lease for Mineral Water Exploitation is required to have complied with the conditions specified in subsection (1) (a) and (b) of this section within two years from the issue of the Mining Lease for Mineral Water, failing which the Mining Lease may be suspended (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to*.

Question that New Clause 72 stand part of the Bill, put and agreed to.

Committee Recommendation:

Subject to this Act and any other enactment, the lawful occupier of any land within an area subject to Mining Lease shall retain the right to graze livestock upon or to cultivate the surface of the land in so far as the grazing or cultivation does not interfere with the Mining Operations in the Mining Lease Area (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to*.

Question that New Clause 73 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 74: Technical supervision of mining under a mining lease.

- (1) A mining lease shall not be granted by the Mining Cadastre Office to any company unless the company has employed a person who possesses adequate professional qualification and experience in mining and the Mining Cadastre Office is satisfied that the company shall, during the currency of the lease, have such qualified person in its employment.
- (2) Where a mining lease has been granted, the lease shall remain in force during such time only as the lessee employs a person who possesses adequate mining experience and qualification in mining, to supervise personally the mining operations being undertaken by the company during the period of the lease.
- (3) Where a person with adequate mining qualification and experience in mining is not available to supervise the mining operations being undertaken under a lease, the company shall cease operations until suitably qualified person is available (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 74 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 75: Rights of lessee to remove fixtures.

- (1) The lessee of a mining lease who has paid all rents, royalties and other payments due to be made by it under this Act or under the terms of its lease may, within three months, in the case of alluvial lease, and six months, in the case of lode lease, after the expiration or other determination of his lease, remove all or any of the plants, building or other property of the lessee.
- (2) Where on the expiration or determination of the lease, a lessee is in default in the payment of any rent, royalty or other payments, and in the case of a lessee who has not removed its property within —
 - (a) three months in the case of an alluvial lease; or
 - (b) six months in the case of a lode lease; or
 - (c) such further period, if any, as the Mines Inspectorate may allow the plant, building and property of the lease on the land, the subject of the lease, shall become the property of the Federal Government and may be dealt with and disposed of in lieu of the rent, royalty or other payments, as the case may be (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 75 stand part of the Bill, put and agreed to.

PART VI — QUARRYING

Committee Recommendation:

New Clause 76: Application.

This part applies in relations to all naturally occurring quarriable minerals, such as asbestos, China clay, fuller's earth, gypsum, marble, limestone, mica, pipe-clay, slate, sand stone, laterite, gravel, etc. which may also be lawfully extracted under mining leases (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 76 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 77: Prohibition of unauthorised quarrying.

- (1) Notwithstanding the provisions of any other enactment, consent or approval provided for under an enactment and in particular, sections 9 (1), 13 (1), (2), 29 (1), 10, 11, 12 and 13 of the NIWA Act, every operation for the purpose of extracting any quarriable mineral from a quarry including sand dredging in the navigable water ways or else where, for industrial use (in this part referred to as a "quarrying operation") shall be conducted under a lease or licence granted by the Mining Cadastre under this Act. .

- (2) Every grant of a lease or licence shall be made subject to the provisions of this Part, the prescribed regulations and the terms of the lease or licence.
- (3) Pursuant to section 1 (1) of this Act, except as provided in this part, no person shall conduct any quarry operation on any land in Nigeria its contiguous continental shelf and all rivers, streams and water courses through out Nigeria, any area covered by its territorial waters or constituency and the Exclusive Economic Zone, or divert or impound water for that purpose.
- (4) In this section, "industrial use" includes sale, bargain and usage for or in connection with any industry or trade and excludes sand dredging for the improvement of navigability of waterways, in so far as the sand dredged is not sold or used for commercial purposes (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to*.

Question that New Clause 77 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 78: Area and validity of quarry lease.

A quarry lease shall —

- (i) (a) not be granted in respect of any area of land exceeding 5 hectares;
- (b) unless previously revoked or otherwise determined, remain in force for a period of five years; or
- (ii) any lesser period for which the lease has been granted, from the date of the grant of the lease and shall then expire unless renewed (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to*.

Question that New Clause 78 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 79: Rights of the Holder of a Quarry Lease.

- (1) Subject to the provisions of this Act a lease shall confer on the lessee the right to
 - (a) enter on the land within the are of the lease or licence granted under this Pan;
 - (b) carry out quarrying operation on the land within the area of the lease and shown on the plan supplied (if required) by the applicant;
 - (c) remove and dispose of any quarriable minerals specified in the lease.
- (2) Subject to the provision of this Part and the regulations, the holder of a lease who has complied with the provision of this Part and the regulations relating in particular to compensation and the payment of surface rents shall, for the purposes of the quarrying operation, have on the land within the area of the lease, the right to—
 - (a) make all necessary excavations;
 - (b) erect, construct and maintain such houses and buildings as, in the opinion of the Mining Cadastre Office, are necessary for his use and for the use
 - (c) erect, construct and maintain such engines, machinery, buildings and workshops and other structures as may be necessary or convenient;
 - (d) stack or dump any of the products from the quarry;
 - (e) lay water pipes and make water courses and ponds, dams and reservoirs; and

if) construct and maintain all such electrical transmission lines, tramways, railway, roads, landing grounds, communication and conveniences as may be necessary subject to laws and regulations governing these infrastructures.

(3) A lessee under a lease—

- (a) may, on the land within the area of the lease cut, take and use any tree when necessary in the course of the quarrying operation or when required for carrying out the quarrying operation or for domestic purpose;
- (b) shall not take any protected tree except with the consent of the proper Forestry officer; and
- (c) shall reimburse the Mining Cadastre Office for any payment made by the Mining Cadastre Office in respect of any fee and royalty prescribed under the forestry law of State.

(4) A lease shall not, except as provide under a water licence granted under this Part convey any exclusive right or privilege in relation to any lake, river, spring, stream or other body of water on, passing through or adjacent to the land within the area of the lease.

(5) Nothing in this section shall authorize the holder of a lease to make such alternation in the flow of water in any navigable water as would obstruct or interfere with or is likely to obstruct or interfere with the free and safe passage of any vessel, boat, canoe or other craft (*Hon. Ogbuefi Ozomgbachi*)—Agreed to.

Question that Clause 79 stand part of the Bill, put and agreed to.

Committee Recommendation;

New Clause 80: Survey.

Subject to the provision of this section, the Mining Cadastre Office shall, before granting a lease, require the area specified in the application to be surveyed in accordance with the provisions of the survey Co-ordination Act and the cost of the survey shall be paid by the application in accordance with the scale prescribed by or under that Act (*Hon. Ogbuefi Ozomgbachi*)~Agreed to.

Question that New Clause 80 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 81: Consequential Amendment.

A reference in any enactment (apart from this Act, the Factories Act and the Criminal Code Act) to a mine or mining operations shall be construed, unless it is otherwise expressly provided or the context otherwise requires, as including a reference to a quarry or quarrying operations and effect shall be given to the enactment with any necessary modifications (*Hon. Ogbuefi Ozomgbachi*)—Agreed to.

Question that New Clause 81 stand part of the Bill, put and agreed to.

PART VII — ROADS

Committee Recommendation:

New Clause 82: Construction of Roads.

Act construct a road, tramway or railway over, on or under—

- (a) any State land, other than that comprised within the area of the mining lease, without the consent of the Mining Cadastre Office after consultation with the officer in charge of lands in the Federal Capital Territory, Abuja, or in the State as the case may be;

(b) any customary lands, other than those comprised within the area of the mining lease, without the approval of the Mining Cadastre Office, after consultation with the Chairman of the Local Government Council or Area Council, as the case may be; without first—

- (i) giving notice in writing to the lessee or holder or applicant, and
- (ii) obtaining the consent of the Mining Cadastre Office (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 82 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 83: Use of mining road.

- (1) A person who has constructed a road, tramway or railway in accordance with the provisions of this Act shall not hinder or prevent any other person from having access to using the road, tramway or railway.
- (2) A person who constructs a road, tramway or railway may, if in his opinion, the road, tramway railway is being used by any other person in such a manner as —
 - (a) will cause appreciable damage to the road, tramway or railway, or
 - (b) substantially increase the cost of its upkeep, call on the user to contribute to the cost of upkeep.
- (3) Where a person uses a road, tramway or railway constructed by another person in such a manner as to interfere materially with the free use and enjoyment of it, the person who constructed the road, tramway or railway may call on that use to limit his use of the road in order to stop the interference.
- (4) A person who constructs a road, tramway or railway over any part of the area of a mining lease under the provision of this Act may be required by the lessees or holder of the mining lease or mining title who wishes to mine the area covered by the road to divert the road, tramway or railway to some other part of the area of the lease or title and cost of the diversion shall be borne by the person who constructed the road, tramway or railway.
- (5) References to a person- who constructs a road, tramway or railway under the provisions of this Act shall be construed as also references to a person who maintains the road, tramway or railway to which section 73 of this Act applies.
- (6) The person who constructed a road, tramway, or railway may close it for the purpose of occur by reason of any inadequacy of the road, tramway or railway and shall not be liable to any person to whom the notice is given.
- (7) A person who is constructing a road, tramway or railway shall display and keep displayed, adequate notice drawing attention to any bridges or culverts and to any precautions necessary, in the use of the road, tramway or railway and the user of a motor vehicle who neglects the precautions notified shall be liable to reimburse the person who constructed it, the cost of any damage occurring to a bridge or culvert by him.
- (8) For the purpose of this section "road", tramway or railway" includes a road, connection with Exploration or mining operations (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 83 stand part of the Bill, put and agreed to.

*Committee Recommendation:***New Clause 84: Obstruction of right of way prohibited.**

No person shall, except in relation to minerals designated by the Minister as strategic in accordance with the provisions of this Act in the course of Exploration or carrying on mining operations under this Act impede or obstruct the right of way over any public road (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 84 stand part of the Bill, put and agreed to.

PART VIII — INQUIRY INTO ACCIDENTS

*Committee Recommendation:***New Clause 85: Report of Accident.**

- (1) The holder of mining lease or licence shall, if an accident occurs in any mine or in connection with the mining operations conducted under its lease, temporary title or licence granted under this Act involving loss of life or serious injury to a person, report the accident as soon as possible, with full particulars of the accident—
 - (a) to the nearest Police Station, or
 - (b) to the office of the Mines Inspectorate in the State in which the accident occurred
- (2) On receipt of the report made pursuant to subsection (1) of this accident.
- (3) Every accident occurring in connection with a quarrying operation and involving loss of life or serious injury to any person shall be reported to the inspector or quarry officer immediately, by the quickest available means of communication.
- (4) The place where the accident occurred shall be left undisturbed, and no person shall interfere with the surface working or any part in which or on which the accident has occurred until the place or anything at the place, has been visited or examined by an Inspector or quarry officer (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 85 stand part of the Bill, put and agreed to.

*Committee Recommendation: New***Clause 86: Panel of inquiry.**

Where it appears to the Minister or the head of Mines Inspectorate Department or any other officer authorized in that behalf, that there is reason to believe that the accident was due to

- (a) failure to comply with a provision of this Act, or regulations made under it; or
- (b) neglect of any lawful order given by the head of Mines Inspectorate Department or any other authorized officer of the Ministry, and the head of Mines Inspectorate Department is satisfied that the accident might have been prevented if proper precautions were taken and observed in the Exploration or working of the land, the head of Mines Inspectorate Department shall, as soon as convenient, set up a panel consisting of not more than four members to inquire into the cause of the accident (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

*Committee Recommendation:***New Clause 87: Matters to be determined on inquiry.**

The panel of inquiry shall determine whether —

- (a) the lessee or holder of the temporary title or licence or an agent of the lessee or holder is guilty of negligence or took all reasonable and proper precautions to prevent the accident; and

- (b) The person killed or injured worked in the mine or quarry in connection with mining Exploration or quarrying operations at the time of the accident; and
- (c) the accident resulting in the death or injured or of any other person working in common with the person killed or an inquired or of any other working in common with the person killed or injured (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to*.

Question that New Clause 87 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 88: Power of panel of inquiry.

- (1) For the purposes of an inquiry under the provisions of this Act, the officer appointed by the Minister to conduct the inquiry shall have power to —
 - (a) authorize any person, where necessary, to have access to the quarry or any surface working and remove anything from the place where the accident occurred and take such other measures as may be necessary for the conduct of the inquiry;
 - (b) summon witnesses, require witness to give evidence on oath or produce any report, book or other document for the purposes of any examination and payment of expenses of witnesses; and
 - (c) do or direct to be done such other things as he may deem necessary.
- (2) For the purpose of subsection (1) of this section, the officer holding an inquiry under this Part of this Chapter shall have the powers of a Judge under the Tribunals of Inquiry Act.
- (3) A person summoned to attend or to produce any report, book or document under subsection (1) of this section who refuses or neglects to do so, or refuses to answer any question put to him by or with the concurrence of the officer holding the inquiry, commits an offence and is liable on conviction to a fine of one hundred thousand Naira.
- (4) No person summoned under this section shall be bound to incriminate himself, and every witness shall, in respect of any evidence given by him at the inquiry, be entitled to the same privileges to which he would have been entitled if giving evidence before a court or law.
- (5) A witness attending at the request of or on summons by an officer holding an inquiry shall, subject to any order made by the officer, be entitled to the like expenses as if summoned to attend the Court, and payment shall be made in the same manner as if the person were a witness in a criminal trial (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to*.

Question that New Clause 88 stand part of the Bill, put and agreed to.

Committee Recommendation: New

Clause 89: Inquiry by court.

- (1) Where in the opinion of the officer conducting an inquiry under section 75 of this Act, the accident was not due to any of the causes mentioned in that section he may recommend that the report be referred to a judge of the Federal High Court who shall hold an inquiry into the cause of the accident.
- (2) The Judge shall within fourteen days of the determination of the inquiry, send a copy of his findings to the Minister and, if so requested, a copy of the record of the proceedings (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to*.

Question that New Clause 89 stand part of the Bill, put and agreed to.

Committee Recommendation:

New **Clause 90: Interpretation of this Part.**

In this part of this Act "serious injury" means—

- (a) a fractured skull, pelvis, arm, thigh, spine, forearm or leg;
- (b) a dislocated shoulder;
- (c) the amputation of an arm, a hand, one finger or more of the same hand, a leg or foot;
- (d) the loss of the sight of an eye;
- (e) any other serious bodily injury, including internal hemorrhage or burns or asphyxia, if the injury is likely to endanger life, cause permanent incapacity or impair efficiency subsequently (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 90 stand part of the Bill, put and agreed to.

CHAPTER 2 - SMALL SCALE MINING

Committee Recommendation:

New **Clause 91: Area of Small - Scale Mining Lease.**

- (1) The area covered by a small scale and artisanal mining licence shall not be less than 5 acres and shall not exceed 25 acres.
- (2) All licence holders shall out effective rehabilitation of the mined out areas to the satisfaction of the Director of Mines and also pay prescribed rehabilitation fee, proportionate to their profits as a way to defray further cost of rehabilitation and reclamation (*Hon. Ogbuefi Ozomgbachi*)~*Agreed to.*

Question that New Clause 91 stand part of the Bill, put and agreed to.

Committee Recommendation:

New **Clause 92: Extension services.**

The Government shall provide the following extension services to duly registered and performing mining cooperatives of small scale and artisanal miners-

- la) exploration services to determine the geological setting, structure and nature of occurrence, quantity and quality of minerals being mined;
- (b) facilitate mineral testing and the determination of mineral grades;
- (c) facilitate mineral reserve evaluation including feasibility reports;
- (d) assist small scale miners on mine design and planning suitable for the deposit;
- (e) facilitate regular introduction of new mining technology;
- (d) provide teaching equipment and plant for hire on an arrangement with manufacturers of leasing companies;
- (g) introduce appropriate mineral processing technology skills in order to meet market requirements;
- (h) conduct environmental impact assessment and provide guidelines on waste and tailing disposal;
- (i) introduce health and safety procedures in the mineral title areas,
- (j) provide water and health facilities to large mining camps;
- (k) hold regular workshops to update miners knowledge on legal, marketing, business skills and infrastructural support (*Hon. Ogbuefi Ozomgbachi*),

Amendment Proposed:

Retain the provision in the Principal Bill (Hon. Umar El-Yakub).

Question that the amendment be made, put and agreed to.

Question that New Clause 92 as amended, stand part of the Bill, put and agreed to.

CHAPTER3 - POSSESSION AND PURCHASE OF MINERALS

Committee Recommendation:

New Clause 93: Exemption.

The provisions of this part do not apply to bona fide specimens of mineralogical, geological, or educational interest or to the receipt by an employer of minerals from his tributers (*Hon. Ogbuefi Ozomgbachi*).

Amendment Proposed:

Question that New Clause 93 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 94: Possession of minerals.

No person, other than an officer of a Ministry authorized in that behalf by the Minister and acting in the execution of his duty, shall possess any mineral unless—

- (a) The mineral is won from a mineral title area of which the person is the holder and which entitled him to explore and exploit the minerals; or
- (b) The person holds a permit to possess or purchase that mineral issued under the provisions of this Act; or
- (c) The person is in respect of that mineral within the meaning of regulations made under this Act, a duly authorized agent or employee of any person permitted by paragraphs (a) and (b) of this subsection to possess that mineral (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 94 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 95: Purchase of minerals.

- (1) No person shall purchase any mineral unless he holds a licence to purchase it minerals issued under section 118 of this Act.
- (2) The Minister may make regulations concerning the issuance of licences under this section (*Hon. Ogbuefi Ozomgbachi*).

Amendments Proposed:

- (i) In subclause (1), after the word "under", leave out the words "section 118 of" (*Hon. Almajir Geidam*).

Question that the amendment be made, put and agreed to.

- (ii) Leave out the provision in subclause (2) (*Hon. Abdul Ningi*).

Question that the amendment be made, put and agreed to.

Question that New Clause 95 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 96: Establishment of Mineral buying centers.

Proceeds recovered under a small scale and artisanal mining licence shall be sold to a licenced Mineral Procurement Center, hereinafter referred to as a "Mineral Buying Center" and valid sales receipts obtained and when required shall be produced for inspection by an authorized Mines Officer (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 96 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 97: Registration as a buying center.

The requirements for registration as a buying centre shall be in accordance with Regulations made under this Act (*Hon. Ogbuefi Ozomgbachi*).

Amendments Proposed:

- (i) In line 1, immediately after the words "accordance with" *leave out* the words "regulations made under" (*Hon. Mao Ohuabunwa*).

Question that the amendment be made, put and agree to.

- (ii) *Retain* the following provisions of Clause 124 (1) and (2) of the Principal Bill as subclauses (2) and (3) of the Clause: "(1) All buying Centres, so registered shall be required to keep an up to date record of all purchases and sales of minerals acquired with details as to which mine within the country the minerals were won and obtained.
- (2) All dealers stated in subsection (1) above shall submit monthly returns of purchase and sales to the Director of Mines" (*Hon. Umar El-Yakub*).

Question that the amendment be made, put and agreed to.

Question that New Clause 97 as amended, stand part of the Bill, put and agreed to.

CHAPTER 4 - ENVIRONMENTAL CONSIDERATIONS AND
RIGHTS OF HOST COMMUNITIES

Committee Recommendation:

New Clause 98: Saving as to winning of certain minerals.

- (1) Nothing in Act shall be construed as preventing any citizen of Nigeria from wining, subject to such conditions as many may be prescribed by the Minister, salt, soda, potash or galena from any land (other than land within the area of mining lease or land) designated by the Minister as security land pursuant to section 1 (2) of this Act from which it has been the custom of the members of the community to which he belongs to win before the coming into force of this Act.
- (2) The Minister may by order published in the Gazette direct the provisions of subsection (1) of this section to apply, within such local limits as may be prescribed by the order, to any mineral which the minister is satisfied has before the commencement of this Act been customarily won by any community.
- (3) Where before the commencement of this Act, it was the customer of the members of any community to win any of the minerals to which subsections (1) and (2) of this section apply from any lands over which a mining lease is granted, the lease shall, during the continuance of the lease, pay to the members of that community as means to determine lest a government - levied value (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to*.

Question that New Clause 98 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 99: Prohibition of Mineral exploration in certain areas.

- (1) No person shall, in the course of Exploration or mining, carry out operations, in or under any area held to be scared or permit injury or destruction of any tree or other thing which is the object of veneration.
- (2) When any question arises under this section as to whether an area is held to be sacred or tree or thing is the object of veneration, the question shall be decided by the Mining Cadastre Office on the recommendation of the mineral Resources Committee of the state concerned.

- (3) A licensee or lessee who causes injury or damage to any area, tree or thing mentioned in subsection (1) of this section shall pay fair and adequate compensation to the persons or communities affected by injury or damage (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 99 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 100: **Saving as to certain quarriable minerals.**

- (1) Subject to subsection (2) of this section, nothing in this chapter shall be deemed to apply in relation to the extraction of sand, clay, laterite and stone for personal use by the local inhabitants of an area in accordance with the local custom of the community of that area,
- (2) No explosive shall be used for the extraction of any of the minerals referred to in subsection (1) of this section (*Hon. Ogbuefi Ozomgbachi*) — *Agreed to.*

Question that New Clause 100 stand part of the Bill, put and agreed to.

Amendments Proposed:

New Clause 101: **Notice to owner or occupier.**

Retain the following provision in Clause 130 of the Principal Bill as new Clause 101:

"When application is made for an exclusive prospecting licence in respect of an area which includes any private land or land occupied under a state lease or right of occupancy, the notice of the application, the notice of the application shall be given in the prescribed manner to the owner or occupier of the land and consent obtained before the license is granted, otherwise the licence may be granted with exclusion of the private and in question " (*Hon. Abdul Ningi*).

Question that the amendment be made, put and agreed to.

Question that New Clause 101 as amended, stand part of the Bill, put and agreed to.

New Clause 102: **Reservation of rights of owner or occupier.**

Retain the following provisions of Clause 131 in the Principal Bill as New Clause 102:

- "(1) The holder of mining lease shall exercise his rights under the Act subject to such limitations relating to surface rights as the minister may prescribe in accordance with the Act.
- (2) The rights conferred by a mining lease shall be exercise in a manner consistent with the reasonable and proper conduct of the operations concerned.
- (3) Subject to the provisions of section (2) of this Act, the lawful occupier of any land within as area subject to a mining lease shall retain the right to graze livestock upon or cultivate the surface of the land in so far as the grazing or cultivation does not interfere with the mining operations in the area" (*Hon. Abdul Ningi*).

Question that the amendment be made, put and agreed to.

Question that New Clause 102 as amended, stand part of the Bill, put and agreed to.

New Clause 103: **Surface rent.**

Retain the following provisions of Clause 132 of the Principal Bill as New Clause 102:

- "(1) The lessee of a mining lease shall pay rent, in advance without demand being made of it, at such rate per annum as shall be determined by the Minister for all lands occupied or used by it in connecting with its mining operations.

- (2) The Minister shall, before granting a mining lease on any private or any State land—
 - (a) cause the owner or occupier of the land to be informed of the intention of the minister to the lease; and
 - (b) require the owner or occupier of the land to state in writing within the period specified by the minister, the rate of annual surface rent which the owner desires should be paid to him by the lessee for the land occupied or used by it for or in connection with its mining operations.
- (3) If within the time specified by the Minister pursuant to subsection (2) of this section, the owner or occupier of the states the rate of the rent he desires should be paid, and the minister is satisfied that the rent is fair and reasonable, the surface rent payable in respect of the land of the owner or occupier.
- (4) Subject to the provisions of subsection (2) of this section and cause the lessee to be notified of the rate fixed before or as soon as may be convenient after the grant of the mining lease.
- (5) The rate of the surface rent, whether by the owner, occupier or by the Minister, shall be subjected to revision by the Minister at intervals of five years.
- (6) In fixing the surface rent payable, the minister shall take into consideration the damage which may be done to the surface of the land by the mining or other operations of the lessee, for which compensation is payable.
- (7) The lessee shall pay all expenses incurred by the Government in which surveying, measuring or otherwise ascertaining the extent of the land in respect of which surface rent is payable.
- (8) If in the opinion of the minister it is impracticable or undesirable to determine the extent of the land occupied or used by a mining lessee, the minister may permit the lessee to pay surface rent at such rate as the Minister may determine over the whole area of the lease" {Hon. Abdul Ningi).

Question that the amendment be made, put and agreed to.

Question that New Clause 103 as amended, stand part of the Bill, put and agreed to.

New Clause 104: Land Use Allocation Committee.

Retain the following provision of Clause 133 in the Principal Bill as New Clause 103:

"Any question arising as. to —

- (a) the extent of the land occupied or used by the lessee; or
- (b) the date on which lessee commenced or ceased to occupy or use any land; or
- (c) the proportion of the surface rent payable to the persons entitled to received any portion of the surface rent Shall be referred to the land Use and Allocation Committee of the relevant State for determination, and the report of the Land Use Allocation Committee shall be taken in to consideration by the minister in making a decision and the decision of the Minister shall be final (Hon. Abdul Ningi).

Question that the amendment be made, put and agreed to.

Question that New Clause 104 as amended, stand part of the Bill, put and agreed to.

Amendment Proposed:

In New Clause 104 as amended, after the word "decision", *leave out* the words "and the decision of the Minister shall be final" (*Hon Abdul Ningi*).

Question that the amendment be made, put and agreed to.

Question that New Clause 104 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:**New Clause 105:****Compensation on Certificate of Occupancy.**

Where, by reason of the grant or existence of a mining lease, the President, in the case of Federal land, the Governor of State, in any other case, revokes a right of occupancy over land, the subject of a certificate of occupancy or resumes possession of any land occupied under state lease, the mining lessee, shall pay to the Government the amount of the compensation paid by the Governor to the holder of the certificate of occupancy or the State lessee by reason of the revocation or resumption of possession, as the case may be (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 105 stand part of the Bill, put and agreed to.

Committee Recommendation:**New Clause 106:****Acceptance of rent not to operate as waiver of forfeiture.**

The acceptance of any rent by or on behalf of the State shall not be held to operate as waiver by the state of —

- (a) any forfeiture accruing by reason of the breach of any of the provision of this Act, or the regulations made under it; or
- (b) any covenant or condition, express or implied, in any lease granted under any previous enactment or instrument (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 106 stand part of the Bill, put and agreed to.

Committee Recommendation:**New Clause 107:****Security.**

- (1) The Mining Cadastre Office may, before granting a Mineral Title to any person, direct that person to —
 - (a) give security by depositing with the government such sums as may be prescribed; **or**
 - (b) reimburse the Federal Government for any compensation, the Federal Government paid to any State or occupier in respect of land on which the lease or license for the minerals is given.
- (2) The minister may accept a banker's guarantee as prescribed in the Regulations made under to this Act in lieu of the deposit prescribed by this section (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 107 stand part of the Bill, put and agreed to.

Committee Recommendation:

A holder of mining title may, in addition to any other amounts payable under the provision of Act and subject to valuation report by a Government-licensed Valuer, pay to the occupier of land held under a State lease or the subject of right of occupancy —

- (a) reasonable compensation for any disturbance of the surface rights of the owner or occupier and any damage done to the surface of the land on which the Exploration or mining, is being or has been carried; and

- (b) in addition pay to the owner of any crop, economic tree, building or work damaged, removed or destroyed by the holder of the mining title or by any of its agents servants, compensation for the damage, removal or destruction of the crop, economic tree, building or work (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 108 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 109: Assessment of compensation.
The amount of the compensation payable under the provisions of this Part of this Chapter shall be determined by the Mining Cadastre Office after consultation with the State Minerals Resource Committee and a Government-licensed Valuer (*Hon. Ogbuefi Ozomgbachi*) — *Agreed to.*

Question that New Clause 109 stand part of the Bill, put and agreed to.

Amendment Proposed:

Retain the following provisions of Clause 139 in the Principal Bill as New Clause 110:

- "Clause 110: Non payment of compensation,
 (1) Where the holder, six months after the grant of a prospecting right or exclusive prospecting licence, defaults in payment of the compensation, the minister may suspend the prospecting right or licence of the holder until —
 (a) the amount awarded is paid; and
 (b) the holder of the right or licence has deposited with the government such further sum as security any further payment as the minister may demand.
 (2) If the holder of a right or licenced does not make payment and deposit within 30 days after the suspension of the right or licence in accordance with subsection (1) of this section, the Minister may revoke the prospecting right or exclusive prospecting licence of the person in default (*Hon. Bankura Lawan*).

Question that the amendment be made, put and agreed to.

Question that New Clause 110 as amended, stand part of the Bill, put and agreed to..

Committee Recommendation:

New Clause 111: Payment of compensation an implied condition.
It is an implied condition in this part of this Chapter that the holder of Mining Title shall pay the compensation prescribed in this part of this Chapter to the person entitled to it on the directive of the Mines Inspectorate Department (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 111 stand part of the Bill, put and agreed to.

Amendments Proposed:

- (i) *Retain the provisions of Clause 141 in the Principal Bill as New Clause 112:*
 "New Clause 112: Prevention of Pollution of environment.
 The holder of mining title shall, in exercise of his rights under the licence or lease, have regard to the effect of the mining operations on the environment and take such steps as may be necessary to prevent pollution of the environment resulting from the mining operation" (*Hon. Bankura*

Question that the amendment be made, put and agreed to.

Question that New Clause 112 as amended, stand part of the Bill, put and agreed to.

(ii) Retain the provisions of Clause 142 in the Principal Bill as New Clause 113:

"New Clause 113:

Compensation to lessee.

- (1) The holder of a mining title who surrenders any land as provided for in section 84 of this Act shall be paid compensation for any interference with any way, work building or plant or for the expenses incurred in prospecting the area required for public purpose and, in the case of a mining lease, for the loss or reasonable expectation of profits from proved minerals on the land required for public purpose.
- (2) Any question arising as to what are proved minerals, shall be determined by the Minister, after obtaining the report of a special committee set up by the Minister for that purpose
- (3) The compensation payable to any of the persons mentioned in subsection (1) of this section shall, if not agreed between the parties, be determined by the court.
- (4) The holder of lease or licence shall not disturb the occupier of any part of the land specified in the lease during the course of any quarrying operation until the land is actually required for the purpose" (*Hon. Almajir Geidam*).

Question that the amendment be made, put and agreed to.

Question that New Clause 113 as amended, stand part of the Bill, put and agreed to..

Committee Recommendation:

New Clause 114:

Compensation for crops, economic trees, etc.

- (1) In addition to any reimbursement payable to the Federal Government, the holder of a lease or licence shall pay to the owner or occupier of any land within the area of the lease or licence, compensation for any crop, economic tree, building or work damaged, removed or destroyed by the holder of the lease or licence or by his agent or servant.
- (2) The holder of a lease or licence shall reimburse or make any payment required under subsection (1) of this section in respect of any building erected, crop or economic tree planted or work constructed on the land after the date on which surface rent become payable.
- (3) Any compensation payable under this Chapter of this Act may, subject to the provisions of this Act and in any appropriate case, be determined by the Minister after giving consideration to the report of any committee set up for the consideration of any compensation to be paid by the Federal Government to the owner or occupier of land for which the lease or licence is or may be granted under this Chapter of this Act.
- (4) Notwithstanding anything contained in this Act or in any regulations made under it, a person who suffers any damage, loss or disturbance of his right by reason of the operation of any of the provisions of this Chapter of this Act shall be entitled to —
 - (a) be paid adequate compensation in respect of the damage, loss or disturbance; and
 - (b) refer any question as of his interest in the subject matter of the damage, loss or disturbance and as to the amount of compensation payable for determination to the Federal High Court having jurisdiction in the area in which the subject matter is situate (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 114 stand part of the Bill, put and agreed to.

Amendment Proposed:

Retain the provisions of Clauses 144 and 145 in the Principal Bill as New Clauses 115 and 116:

"New Clause 115:

Restoration of mines land.

-
- (1) The Minister shall by order require the grantee of a mining lease to restore any area in respect of which mining operation having been, is being, or is to be carried out, on or after the date on which this Act comes into operation.
 - (2) Any order made pursuant to subsection (1) of this section may contain all or any of the provisions of the covenants and conditions which may be imposed under the provision of that subsection and upon due service of the order, the provisions thereof shall be deemed to be covenants and conditions of the lease or grant concerned.

New Clause 116:

Reclamation.

Where a land which is subject of a mining lease has been exploited, the mined out areas shall be restored by the applicant under the condition of its grant otherwise the relevant provision of section 10 of this Act shall apply" (*Hon. Abdul Ningi*).

Question that the amendment be made, put and agreed to.

Question that New Clauses 115 and 116 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 117:

Community Development Agreement.

- (1) Subject to the provisions of this section, the Holder of a Mining Lease, Small-Scale Mining Lease or Quarry Lease shall prior to the commencement of any development activity within the lease area, conclude with the host community where the operations are to be conducted an agreement referred to as a Community Development Agreement or other such agreement that will ensure the transfer of social and economic benefits to the community.
- (2) The Community Development Agreement shall contain undertakings with respect to the social and economic contributions that the project will make to the sustainability of such community.
- (3) The Community Development Agreement may address all or some of the following issues when relevant to the host community —
 - (a) educational scholarship, apprenticeship, technical training and employment opportunities for indigenes of the communities;
 - (b) financial or other forms of contributory support for infrastructural development and maintenance such as education, health or other community services, roads, water and power;
 - (c) assistance with the creation, development and support to small-scale and micro enterprises;
 - (d) agricultural product marketing; and
 - (e) methods and procedures of environment and socio-economic management and local governance enhancement.
- (4) In the event of the failure of the host community and the Lease Holder after several attempts to conclude the Community Development Agreement by the time the Title Holder is ready to commence development work on the lease area, the matter shall be referred to the Minister for resolution and the decision of the Minister thereon shall be final.

- (5) The Community Development shall be subject to review every 5 years and shall, until reviewed by the parties, have binding effect on the parties (*Hon. Ogbuefi Ozomgbachi*)~Agreed to.

Question that New Clause 117 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 118:

Objectives of the Community Development Agreement.

The Community Development Agreement shall specify appropriate consultative and monitoring frameworks between the Mineral Title Holder and the host community, and the means by which the community may participate in the planning, implementation, management and monitoring of activities carried out under the agreement (*Hon. Ogbuefi Ozomgbachi*)~Agreed to.

Question that New Clause 118 stand part of the Bill, put and agreed to. .

Committee Recommendation:

New Clause 119:

Environmental Obligations.

Every Holder of a Mineral Title under this Act shall as far as it is reasonably practicable—

- (a) minimize, manage and mitigate any environmental impact resulting from activities carried out under this Act; and
- (b) rehabilitate and reclaim, where applicable, the land disturbed, excavated, explored, mined or covered with tailings arising from Mining Operations to its natural or predetermined State or to such State as may be specified in this Act, its regulations and other pertinent laws in force, and in accordance with established best practices (*Hon. Ogbuefi Ozomgbachi*)—Agreed to.

Question that New Clause 119 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 120:

Environmental Impact Assessment.

Every Holder of an Exploration Licence, Small-Scale Mining Lease, Mining Lease, Quarry Lease and Water Use Permit shall:

- (a) prior to the commencement of Mining Operations; or
- (b) upon application for an extension of the term; or
- (c) upon an application for the conversion of a Mineral Title, submit to the Mines Environmental Compliance Department—
 - (0 an environmental impact assessment statement approved by the Federal Ministry of the Environment in respect of Mining Operations to be conducted within the Mineral Title Area; and
 - (if) **an** Environmental Protection and Rehabilitation Program containing such details as may be provided for in the environmental regulations issued pursuant to this Act (*Hon. Ogbuefi Ozomgbachi*)—Agreed to.

Committee Recommendation:

New Clause 121:

Contents of the Environmental Protection and Rehabilitation Program.

- (1) The Environmental Protection and Rehabilitation Program required under the provisions of this Act shall—
 - (a) provide for specific rehabilitation and reclamation actions, inspections, annual reports;
 - (b) a reasonable estimate of the total cost of rehabilitation;

- (c) cost estimates for each specific rehabilitation and reclamation action; and
 - (d) a timetable for the orderly and efficient rehabilitation and reclamation of the Mineral Title area to a safe and environmentally sound condition suitable for future economic development or recreational use.
- (2) The Mines Environmental Compliance Department shall exercise all its powers in respect of Environmental Protection and Rehabilitation Programs provided for in section 107 in consultation with the State Mineral Resources and Environmental Management Committee established pursuant to Section 13 of this Act.
- (3) The Mines Environmental Compliance Department may approve or reject an Environmental Protection and Rehabilitation Program submitted by a Mineral Title Holder and shall notify the Holder of the Mineral Title of its decision thereon within sixty days of the submission of the Environmental Protection and Rehabilitation Program;
- (4) If the Mines Environmental Compliance Department does not notify the Holder of a Mineral Title within the period specified under sub-section (3) of this section, the Environmental Protection and Rehabilitation Program shall be deemed to have been approved as submitted.
- (5) In the case of a rejection of the Environmental Protection and Rehabilitation Program by the Mines Environmental Compliance Department, the Mineral Title Holder may —
 - (a) submit such other number of Environmental Protection and Rehabilitation Programs as may be necessary in order to obtain the approval of the Mines Environmental Compliance Department; or
 - (b) if its application is rejected twice, the Holder may submit the matter to arbitration within thirty days of notification of the decision under sub-section (3) of this section.
- (6) In the case of its approval, the Mines Environmental Compliance Department shall ensure the implementation of the Environmental Protection and Rehabilitation Program (*Hon. Ogbuefi Ozomgbachi*) —*Agreed to.*

Question that New Clause 121 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 122:

Establishment of the Environmental Protection and Rehabilitation Fund.

- (1) The Minister shall establish an Environmental Protection and Rehabilitation Fund for the purpose of guaranteeing the environmental obligations of Holders of Mineral Titles as provided under this Act.
- (2) The Minister shall appoint a reputable institution customarily engaged in business as trustees or fund managers to administer the Environmental Protection and Rehabilitation Fund.
- (3) The trustees-appointed pursuant to subsection (2) of this section shall operate the fund in accordance with the provisions of the Trustees Investments Act, Cap T22~Laws of the Federation of Nigeria, 2004 or amendments thereof.
- (4) Every Holder of Mineral Exploitation Title shall commence contributions to the Environmental Protection and Rehabilitation Fund in accordance with the amounts specified in the approved Environmental Protection and Rehabilitation Program not later than one year from such approval.

- (5) If the Mines Environmental Compliance Department determines that the estimated cost of implementing the approved Environmental Protection and Rehabilitation Program is substantially less than the amount already deposited in the Environmental Protection and Rehabilitation Fund, it may—
- (i) refund any excess amount in the Fund to the Holder of the Mineral Title; or
- (ii) review the amount of future contributions or modify the contribution schedule as the circumstances may require.
- (6) Where a Mineral Exploitation Title is renewed, the titleholder shall pay into the Environmental Protection and Rehabilitation Fund such annual amounts as may be specified in an amended Environmental Protection and Rehabilitation Program approved under section 107 of this Act.
- The trustee shall keep proper records in respect of the operation of the Fund, and shall cause to be prepared by an independent firm of chartered accountants appointed by the Minister an audited statement of accounts in respect of each financial year.
- (8) The trustee shall, not later than three months after the end of each financial year, cause a copy of the audited statement of accounts referred to in sub-section (6) of this section to be sent to the Minister and each member of the State Mineral Resources and Environmental Management Committee.
- (9) The Environmental Protection and Rehabilitation Fund and any sum accruing therefrom shall be applied only for the implementation of the Environmental Protection and Rehabilitation Program to which they relate in accordance with the timetable of payments established in the Environmental Protection and Rehabilitation Program.
- (10) The Holder of a Mining Lease shall implement and meet all obligations described in the Environmental Protection and Rehabilitation Program during the term of the Mining Lease.
- (11) When the Environmental Protection and Rehabilitation Program has been fully implemented and completed further to a certification by an independent external audit has confirmed that the implementation of the Environmental Protection and Rehabilitation Program has been satisfactorily completed, the Head of the Mines Environmental Compliance Department shall authorize the refund of any sum remaining in the Environmental Protection and Rehabilitation Fund to the title holder within thirty days of the receipt of the certification (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to*.

Question that New Clause 122 stand pan of the Bill put and agreed to.

Committee Recommendation:

New Clause 123: Service of Demand Notice.

- (1) Where a Holder of a Mining Lease is required to make a payment to the Environmental Protection and Rehabilitation Fund under section 109 of
- (7)**

the Mines Environmental Compliance Department requesting payment of the amount owing, the Mines Environmental Compliance Department shall —

- (a) serve, or cause to be served, on the titleholder a thirty day demand notice in writing; and
- (b) cause a record of the service of the notice to be endorsed by the Mining Cadastre Office on the copy of the Mining Lease in the register to which it relates.

- (2) If the whole of the sum demanded by the notice under subsection (1) of this section is paid to the Environmental Protection and Rehabilitation Fund within the time specified therein, the notice shall thereupon have effect, cease to and the Mines Environmental Compliance Department shall cause to be cancelled in the Cadastre register the record endorsed on the Mining Lease pursuant to sub-section (1) (b) of this section.
- (3) If by the end of the period specified in the demand notice the sum owed has not been paid to the Environmental Protection and Rehabilitation Fund, The Trustees to the Environmental protection and rehabilitation fund shall—
- (a) institute the necessary court proceedings to recover the amount;
 - (b) suspend payment of any amount payable from the Environmental Protection and Rehabilitation Fund to the defaulting titleholder in accordance with the provisions of this Part, and the Mining Lease shall thereon become liable to suspension (*Hon. Ogbuefi Ozomgbachi*)—Agreed to.

Question that New Clause 123 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 124: Pollution of watercourse prohibited.
No person shall, in the course of Mining or Exploration for minerals, pollute or cause to be polluted any water or watercourse in the area within the mining lease or beyond that area (*Hon. Ogbuefi Ozomgbachi*)—Agreed to.

Question that New Clause 124 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 125: Purification of water.
Every person who uses water in connection with mining operation, whether for —

- (a) the generation of power for mining purposes; or
- (b) the removal of mineral substance; or
- (c) concentration, milling or otherwise shall, whatever may be the nature and date of the document of title under which the use is enjoyed, make such provisions as shall ensure that the water so used does not contain injurious substances in quantities likely to prove detrimental to animal or vegetable life when the water leaves the mining area in which it has been so used (*Hon. Ogbuefi Ozomgbachi*)—Agreed to.

Question that New Clause 125 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 126: Compensation for damages and pollution.
(1) A licensee or lessee shall pay compensation to the owner or occupier —

- (a) whose land or interest in the land is injuriously affected by the exercise of the rights conferred by the licence or lease, for any such injurious effect not otherwise made good; and
- (b) who suffers damages as a result of pollution of any source of water, used for domestic and other purposes, as a consequence of the Exploration or operations in any work connected with the property, for any such damage not otherwise made good (*Hon. Ogbuefi Ozomgbachi*)—Agreed to.

Question that New Clause 126 stand part of the Bill, put and agreed to.

*Committee Recommendation:***New Clause 127: Deposit of tailings.**

- (1) The Minister may by Regulations prescribe the quantity of tailing that maybe deposited in any natural water course by a lessee under this Act.
- (2) No mineral title holder shall, without permission obtained on application **by** it in writing to the Mines Inspectorate Department, deposit a greater quantity of tailing in any natural water course than that prescribed by regulations.
- (3) On the application of a mineral title holder and on good cause being shown the Mines Inspectorate may grant a permit authorizing the deposit of greater quantities of tailing than that prescribed by the regulations and may make the grant subject to such conditions as he may deem necessary and those conditions shall be endorsed on the permit.
- (4) The Mines Inspectorate may revoke or vary the conditions of any permit granted under this section if the holder commits a breach of any of the conditions of the permit (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 111 stand part of the Bill, put and agreed to.

*Committee Recommendation:***New Clause 128: Alterations in water supply prohibited.**

- (1) No person shall make or permit any other person to make, without the permission of the Mines Inspectorate Department, any alterations in the water supply of any land so as to prejudicially affect the water supply enjoyed by any other person or land.
- (2) whenever any alteration as in subsection (1) of this section is made the lessees benefitting by the alteration shall, in the absence of proof to the contrary, be presumed to have made it (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 128 stand part of the Bill, put and agreed to.

*Committee Recommendation:***New Clause 129: Restoration of river bank.**

The Mines Inspectorate Department shall by order in writing, require any person who, in the course of mining operations, unlawfully interferes with the bank of any water course to —

- (a) restore the bank to the condition in which it was immediately prior to interference; or
- (b) ~ remake the bank such manner as may be specified in the order (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 129 stand part of the Bill, put and agreed to.

*Committee Recommendation:***New Clause 130: Amendment of water licence.**

- (1) A holder of a water licence may apply to the Mining Cadastre Office for an amendment to be made to the water licence with respect to —
 - (a) the volume of water may be diverted;
 - (b) the lease to observed by the water licence; or
 - (c) the name of the holder;
 - (d) endorsement on the water licence;

- (2) No amendment shall be made in respect of an increase in the volume of water to be diverted unless notice of the application for the increase is given in the manner provided under this Act and no objectives is received concerning the application (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 130 stand pan of the Bill, put and agreed to.

Committee Recommendation:

New Clause 131:

Agreement of other interested persons.

- (1) It shall be the duty of every applicant for a water licence to reach agreement with all persons likely to be adversely affected by the grant of such water licence at or before the time of making his application and to inform the Mining Cadastre Office of any conditions in the water licence.
- (2) Where no agreement is reached pursuant to subsection (1) of this section, the matter should be referred to the Minister for appropriate action (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 131 stand part of the Bill, put and agreed to.

CHAPTER 5 - OFFENCES AND PENALTIES

Committee Recommendation:

New Clause 132:

Offences,

A Mineral Title-Holder who is guilty of an offence under the provisions of this Act is liable to have his licence cancelled and it liable on conviction at the first instance, to a fine not exceeding N20,000,000; and if the offence is a continuing one, whether or not it is a first offence, the person convicted shall, in addition be liable to a fine of N20,000 in respect of each day during which the offence continues (*Hon. Ogbuefi Ozomgbachi*) — *Agreed to.*

Question that New Clause 132 stand part of the Bill, put and agreed to.

(*Hon. Abdul Ningi — Chairman Tempore*)

Amendment Proposed:

New Clause 133:

Loans.

Retain the following provisions of Clause 161 in the Principal Bill as New Clause 127:

- "(1) No loan granted pursuant to Part III of this Act shall be applied to any purpose other than that for which the loan was granted,
- (2) Any person who applied a loan granted pursuant to Part III of this Act in contravention of subsection (1) of this section commits an offence and is liable on conviction to a fine of an amount not less than the amount of the loan a interest accruing therefore in respect of which the offence was committed or imprisonment for a term of not less than five years.
- (3) Where an offence under this section is committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager secretary or other similar officer of the body corporate (or any person purporting to act in any such capacity.) he as well as the body corporate shall be deemed to be guilty of the offence and may Be proceeded against and punished accordingly" (*Hon. Mohammad Nafata*).

Question that the amendment be made, put and agreed to.

Question that New Clause 133 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation;

New Clause 134:

False and Misleading Statements.

- (1) A person who —

- (a) conducts Exploration or mines minerals or carries out a quarrying operations otherwise than in accordance with the provisions of the Act;
 - (b) in making application for Mineral Title, knowingly makes a statement which is false or misleading in any material particular;
 - (c) in any report, return or affidavit submitted in pursuance of the provisions of this Act, knowingly gives an information which is false or misleading in any material particular;
 - (d) removes or disposes of any mineral contrary to the provisions of this Act, commits an offence;
- (2) A person convicted of an offence under subsection 1 of this section shall forfeit all minerals obtained by him or if the minerals are such as can not be forfeited, pay such sums as the court shall assess as being the value of the minerals or to imprisonment for a term not exceeding 2 years or to both fine and imprisonment {Hon. Ogbuefi Ozomgbachi}—Agreed to.

Question that New Clause 134 stand part of the Bill, put and agreed to.

Committee Recommendation;

New Clause 135: Salting.
A person who —

- (a) places or deposits, or causes to be placed or deposited in a place any minerals, with the intention to mislead any other person as to the mineral possibilities of the place; or
- (b) mingles or causes to be mingled, with samples or ore, any substances which may enhance the value or in any way change the nature of the ore, with the intention to cheat, deceive or defraud; or engages in the business of milling, leaching, sampling, concentrating, reducing, assaying, transporting, or dealing in ores, metals or minerals, contrary to the provisions of this Act commits an offence under this Act and is liable on conviction to a fine of not less than N500,000.00 or to imprisonment for a term not exceeding 2 years or to both fine and imprisonment (Hon. Ogbuefi Ozomgbachi)—Agreed to.

Question that New Clause 135 stand part of the Bill, put and agreed to.

Committee Recommendation;

New Clause 136: Use of False or Fraudulent Scales.
A person who keeps or uses any false or fraudulent scale or weight for weighing ores, metals or minerals, or uses any false or fraudulent assay scale or weight or enriched fluxes used for ascertaining the assay value of minerals, knowing them to be false or fraudulent commits an offence under this Act, and is liable on conviction to fine of not less than N100,000.00 or more than N1,000,000.00 or to imprisonment for a term not less than 1 year or to both fine and imprisonment {Hon. Ogbuefi Ozomgbachi}—Agreed to.

Question that New Clause 136 stand part of the Bill, put and agreed to.

New Clause 137: Misrepresentation.

- (1) A person who falsely represents that he obtained the grant of an Exploration Licence, temporary title, mining, or other mining title and by that representation, induces or attempts to induce any person to invest capital in a company or syndicate connected with the company, before he actually obtains the grant of the mining title, shall forfeit any claim to the grant of the mining title.

- (2) Where a person who makes a false representation as in subsection (1) of this section is a holder of another mining title, that mining title shall be revoked.
- (3) Nothing in this section shall be construed as preventing a person who makes a false representation from liability to civil action or a criminal prosecution in respect of the representation (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 137 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 138: Unlawful interference.

A person who without lawful authority wilfully breaks, defaces or removes or in any other way interferes with any boundary mark, beacon pillar or post erected for any of the purpose of this act or post erected for any of the purpose of this act or the regulations made under it, without necessary approval or authority under this act commits an offence (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 138 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 139: Obstruction.

- (1) Any person who without lawful cause —
 - (a) interferes with or obstructs any mining or quarrying operations authorized by or under this act,
 - (b) interferes with any machinery, plant work or property on, in under or over land in exercise of a right conferred by or under this act commits an offence.
- (2) A person who is guilty of an offence under section 167 and subsection (1) of this section is liable on conviction —
 - (a) at the first instance, to a fine not exceeding N500,000.00 or to imprisonment for a term not exceeding 2 years or to both the fine or imprisonment; and
 - (b) at a second or subsequent offence, to imprisonment for a term not exceeding 5 years or below 2 years.
- (3) If the offence is continuing one whether or not it is a first offence, the person convicted shall, in addition be liable to a fine of N10,000.00 in respect of each day or part of a day during which the offence continues (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 139 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 140: Offence by a body of persons.

- (1) Where an offence under this Act or under the regulations made there under is committed by a body of persons —

director or an officer of the body shall be deemed to be guilty of that offence.

- (b) In the case for a partnership, every partner or officer of that body shall be deemed to be guilty of that offence.

- (2) Nothing in this section shall be construed as exempting any person who actually committed an offence under this Act from the penalties provided for the offences committed by him (*Hon. Ogbuefi Ozomgbachi*) — Agreed to.

Question that New Clause 140 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 141:

Penalty for refusal to attend, etc of witness.

Where a person is summoned to attend before the Panel of inquiry into accidents at mine sites or quarries or to produce books or documents before the Panel and refuses or neglects to do so, or refuses to answer any question put to him by or with the concurrence of the Panel, he shall be liable on conviction to a fine not more than one hundred thousand Naira and not less than fifty thousand Naira {*Hon. Ogbuefi Ozomgbachi*)—Agreed to.

Question that New Clause 141 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 142:

Offence by body corporate.

- (1) Were an offence under this act has been committed by a body corporate or firm or other association of individuals, a person who at the time the commission of the offence was an officer thereof or was purporting to act in such capacity is severally guilty of that offence and liable to be prosecuted against and punished for the offence in like manner as if he had himself committed the offence, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.
- (2) In this section and the other provisions of this Act, officer —
- (a) in relation to a body corporate, includes a director, chief executive, manager and secretary;
- (b) in relation to a firm, includes a partner and other officer thereof;
- (c) in relation to any other association of individuals, includes a person concerned in the management of the affairs of such association {*Hon. Ogbuefi Ozomgbachi*)—Agreed to.

Question that New Clause 142 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 143:

Dispute resolution.

- (1) Any dispute arising between the Holder of a Mineral Title and the Government in respect of the interpretation and application of this Act, its regulations and the terms and conditions of Mineral Titles shall be resolved, in the first instance, on an amicable basis
- (2) Where the dispute is in the nature of a bona fide investment dispute, and such dispute is not amicably settled as provided under subsection (1) of this section, it shall be resolved in accordance with the provisions of the Nigerian Investment Promotions Commission Act, Cap. N117 Laws of the Federation of Nigeria, 2004.
- (3) Any other dispute between the Holder of a Mineral Title and the Government shall be resolved in the Federal High Court, if not settled in accordance with the provisions of subsection (1) of this section {*Hon. Ogbuefi Ozomgbachi*)—Agreed to.

Question that New Clause 143 stand part of the Bill, put and agreed to.

Committee Recommendation:

New **Clause 144:** **Jurisdiction of the Federal High Court.**

An offence under this act and the Regulations made under it shall be tried by the Federal High Court (*Hon. Ogbuefi Ozomgbachi*)—Agreed to.

Question that New Clause 144 stand part of the Bill, put and agreed to.

(*Mr Speaker in the Chair*) CHAPTER 6 -

MISCELLANEOUS PROVISIONS

Committee Recommendation:

New **Clause 145:** **Exporter of minerals to make declaration, etc.**

An exporter of any mineral shall —

- (a) before the mineral is entered for export declares on the appropriate customs entry form the State from which the mineral was extracted;
- (b) - on demand made by the prescribed authority, furnish the information relating to any mineral which the exporter has exported under paragraph (a) -of this subsection within the time and in the manner as may be required (*Hon. Ogbuefi Ozomgbachi*).

Amendments Proposed:

- (i) Retain the following provisions of Clause 174 (2) and (3) in the Principal Bill as subclauses (2) and (3) of the Clause:

"(2) A person who does not comply with any of the provisions of subsection (1) of this section, commits an offence and is liable on conviction—

- (a) at the first instance, to a fine not exceeding N500,000.00 or to imprisonment for a term not exceeding 2 years or to both the fine or imprisonment; and
- (b) at a second or subsequent offence, to imprisonment for a term not exceeding 5 years.

(3) A proper officer of the Nigerian Customs Service may refuse to accept the entry of any mineral in respect of which he is satisfied that the provisions of subsection (1) of this section have not been complied with" (*Hon. Mohammad Maifata*).

- (ii) Leave out the provision in subclause (2) (b) as amended and insert the following instead thereof: "at a second or subsequent offence, to a fine not exceeding N1 million or to imprisonment for a term not exceeding 5 years or both" (*Hon. Mohammad Maifata and Hon. Almajir Geidam*).

Question that the amendment be made, put and agreed to.

Question that New Clause 145 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

New **Clause 146:** **Scientific specimen.**

Whenever any mineral is exported solely for the purpose of analysis or experiment or as a scientific specimen, the Minister shall require the result of analysis to be forwarded to him and the person exporting the sample shall obtain a certificate of the result of analysis of the sample and deliver, within six months of the exports of the sample, a true copy of the certificate to the Minister (*Hon. Ogbuefi*

Amendment Proposed:

Retain the following provision of Clause 175 (2) in the Principal Bill as New subclause (2) of the Clause: "A person who fails to comply with the provisions of this section commits an offence and is liable on conviction to a fine of not more than N100,000.00 and not less than N50,000.00" (*Hon. Almajir Geidam*).

Question that the amendment be made, put and agreed to.

Question that New Clause 146 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause **147**; Boundary.

Every exclusive prospecting licence, temporary title or mining lease shall be bounded by vertical planes from the surface boundary lines drawn downwards to an unlimited depth from surface (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 147 stand part of the Bill, put and agreed to.

Amendment Proposed:

Retain the provision of Clause 181 in the Principal Bill as New Clause 148:

"New Clause **148**: Power to seize.

- (1) A mines officer or a quarry officer may arrest without warrant, any person whom he finds committing or reasonably suspects to have committed an offence under this act or regulations made under it and may—
 - (a) seize any tool, implement, or vehicles used in committing the offence; and
 - (b) any mineral won illegally.
- (2) A person arrested and the items seized, shall be kept in the custody of the Minesfield Police and taken within 48 hours before an appropriate Court and if the person is found guilty, he shall addition to any other punishment provided for under this act or any enactment, forfeit the seized items to the Federal Government.
- (3) A mines office may, by notice in writing require any lessee, or any person employed by the lessee or holder to appear before the mines officer at a reasonable time and place and give information regarding mining operations in or about the area of the mining which he possesses, and the lessee, holder or other person shall comply with the notice and give the information.
- (4) A mines officer may, by order in writing, direct that prospecting or mining operations be suspended in an area, whether it is the subject of a mining lease or exclusive prospective licence or not, until such arrangements as are in his opinion necessary to prevent danger to life or property or to compliance with the act are made.
- (5) A mines officer may cancel or vary the terms of any notice or order issued by him under subsection (4) of this section.
- (6) An order made under subsection (4) of this section shall laps after 14 days of its issuance, unless it is confirmed by the Director of Mines" (*Hon. Ogbuefi Ozomgbachi*) — *Agreed to.*

Question that New Clause 148 stand part of the Bill, put and agreed to.,.

Committee Recommendation;

New Clause 149: Transfer of Mineral Title.

- (1) Subject to subsections (2), (5) and (6) of this section, a Mineral Title is transferable under this Act subject to the approval of and registration of _____
3) and (4) of this section
- (2) The rights arising from ,a Mineral Title or Permit that are transferable under this Act can be wholly and partially assigned, sub-leased, pledged, mortgaged, charged, hypothecated or subject to any security interest.
- (3) The Mineral Title Holder shall make an application for approval of the transfer of a Mineral Title to the Mining Cadastre Office in the prescribed form.

- (4) in the application for a transfer of a Mining title, the Holder shall provide to the Mining Cadastre Office such details of the assignment or transfer as may be required together with any other information that the Mining Cadastre Office may require.
- (5) The Mining Cadastre Office shall approve a transfer of a Mineral Title under subsection (1) of this section if the transferee is a qualified applicant, provided that the application for transfer shall be deemed automatically approved if not acted upon by the Mining Cadastre Office within thirty days from official receipt thereof.
- (6) The approval of the Mining Cadastre Office shall not be required for an assignment to an affiliate, where the obligations of the affiliate are guaranteed by the assignor or by a parent company.
- (7) In the event of the death of the Mineral Title Holder the laws of succession shall apply.
- (8) The transferor of a Mineral Title shall remain liable for the performance of any obligations arising out of acts or contracts made in respect of the Mineral Title Area, including environmental obligations, incurred prior to the date of the transfer as well as for any claims for damages or injuries by bona fide third parties.
- (9) Where the transfer under this section is in the nature of a security interest, the Holder of the Mineral Title shall remain liable for all obligations in respect of the Mineral Title until the later in time of redemption of the security or the expiration of the Mineral Title.
- (10) No Mineral Title or rights therein may be assigned to a person to whom that Mineral Title could not have been granted under this Act {Hon. Ogbuefi Ozomgbachi)—Agreed to.

Question that New Clause 149 stand part of the Bill, put and agreed to.

Committee Recommendation:

New **Clause 150:** **Renewal of Mineral Title.**
Where the Holder of a Mineral Title applies during the pendency of his title for renewal of the Mineral Title, the current Mineral Title shall remain in force until the date of the renewal of the Mineral Title or the refusal of the application {Hon. Ogbuefi Ozomgbachi)—Agreed to.

Question that New Clause 150 stand part of the Bill, put and agreed to.

Committee Recommendation:

New **Clause 151:** **Suspension of Mineral Title.**
(1) Without prejudice to any other provisions of this Act, upon the written approval of the Minister, the Mining Cadastre Office may suspend Mineral title for a period not exceeding sixty days if the Holder—

- (a) fails to make any payments required by or under this Act on the due date;
- (b) has breached any condition of the Mineral Title;

has contravened any provision of this Act or;
- (d) has failed to comply with any lawful order given in connection with his operations;
- (e) makes any statement to the Mining Cadastre Office which he knows or ought to have known to be false; or
- (f) for any reason becomes ineligible to apply for a Mineral title under the provisions of this Act.

- (2) A Mineral Title shall only be suspended after thirty days notice of the intention to suspend the Mineral Title containing in detail the grounds thereof is given to the Holder and during the period fixed the Holder has failed to remedy the breach or remove the grounds for suspension within the required period (*Hon. Ogbuefi Ozomgbachi*)~Agreed to.

Question that New Clause 151 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 152:

Surrender of Mineral Title,

- (1) The Holder of a Mineral Title may, upon application in the prescribed form and manner, and upon meeting prescribed conditions, surrender the Mineral Title.
- (2) The Mining Cadastre Office shall approve an application made under subsection 1 of this section to surrender the Mineral Title if he is satisfied that —
 - (a) the Holder of the Mineral Title has submitted the request for surrender in the prescribed form and manner;
 - (b) the surrender will not affect any liability incurred by the Mineral Title Holder before the surrender of the Mineral Title, including environmental obligations;
 - (c) all rents due and fees prescribed, if any, have been paid by the Holder of the Mineral Title; and
 - (d) the Holder of the Mineral Title has surrendered the original title document (*Hon. Ogbuefi Ozomgbachi*)~Agreed to.

Question that New Clause 152 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 153:

Revocation of Mineral Title.

Without prejudice to the power of the Mining Cadastre Office to determine a Mineral Title in any other manner, the Mining Cadastre Office may, revoke any Mineral title if —

- (a) the Holder is convicted by any court of competent jurisdiction for an offence under this Act or its regulations and the time for appealing against the conviction, if any, has lapsed or the appeal has been dismissed or withdrawn or struck out for want of prosecution; or
- (b) the Holder breaches any provision of this Act or regulations made or of any terms or conditions of his Mineral title whether express or implied; or
- (c) the Holder breaches any order or notice issued or given under this Act or regulations made under it, or on being required by the Mining Cadastre Office by notice to show cause within a time specified in the notice why the Mineral title should not be revoked, the Holder fails to comply or show adequate cause; or

surrenders the Mineral title in the manner prescribed; or

- (e) the Holder is declared by a Court of competent jurisdiction to be insolvent or bankrupt or goes into forced liquidation, except as part of a scheme for reorganization, amalgamation or an arrangement with its creditors; or

- (f) the Mineral Title is held jointly by more than one person and the provisions of subsection (1) (a) of this section apply to any one of the joint Holders unless the other joint Holders are able to assume the obligations of the former and adopt measures which will guarantee the performance of these obligations;
 - (g) no progress is made in the organization of the Mining Operations in the case of all Mineral Title other than a Reconnaissance Permit by the end of the period provided for in the Mineral Title;
 - (h) in the case of a Small-Scale Mining Lease or Mining Lease, the Holder wholly discontinues operations under the Lease during a continuous period of six months.
- (2) A Mineral Title shall be revoked upon written advice of the Minister and after thirty days notice of the intention to revoke the Mineral Title containing in detail the grounds thereof is given to the Holder and during the period fixed the Holder has failed to remedy the breach or remove the grounds for revocation within the required period.
- (3) Any notice issued by the Mining Cadastre Office and sent by registered mail to the last known address in Nigeria or given in person to an authorized representative of the Mineral Title Holder in Nigeria or published in the Gazette, shall for all purposes be sufficient notice of the revocation of the Mineral Title to the Mineral Title Holder (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to*.

Question that New Clause 153 stand part of the Bill, put and agreed to.

Committee Recommendation:

- New Clause 154: Delivery of documents.
Upon the revocation of a Mineral Title, the former Holder thereof shall deliver to the Mines Officer responsible for the area —
- (a) all records which the Holder is obliged to submit under the provisions of this Act and regulations;
 - (b) all plans or maps of the area covered by the Mineral Title prepared by the Holder or at his instructions; and
 - (c) such other documents relating to the Mineral Title as the Mines Officer may request (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to*.

Question that New Clause 154 stand part of the Bill, put and agreed to.

Committee Recommendation:

- New Clause 155: Notice of requesting delivery of documents.
Upon revocation of a Mineral Title, a notice in the prescribed form requesting the delivery of the documents specified under section 144 shall be sent to the former Mineral Title Holder (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to*.

Question that New Clause 155 stand part of the Bill, put and agreed to.

Committee Recommendation:

- New Clause 156: Failure to deliver documents.
the nature of the recipient or the notice under section 145 to deliver the said documents, within thirty days of the delivery of the notice shall be an offence under this Act (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to*.

Question that New Clause 156 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 157: Continuing obligations of Mineral Title holder.

Notwithstanding the revocation of a Mineral Title in accordance with this Act the Mineral Title or Permit Holder, shall remain liable for the performance of any obligations arising out of the Mineral Title, including environmental obligations, incurred prior to the date of revocation as well as for any claims for damages or injuries by bonafide third parties (*Hon. Ogbuefi Ozomgbachi*)—Agreed to.

Question that New Clause 157 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 158: Appeal of Revocation.

The decision of the Mining Cadastre Office to revoke a Mineral Title shall be subject to appeal in accordance with the provisions of this Act (*Hon. Ogbuefi Ozomgbachi*)—Agreed to.

Question that New Clause 158 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 159: Relinquishment of part of Mineral Title.

- (1) The Holder of a Mineral Title may at any time during the period of the validity of such Mineral Title, upon application to the Mining Cadastre Office in the prescribed form and manner and upon meeting prescribed conditions, relinquish the area or part of area covered by the Mineral Title, provided, the geometry and dimensions of each surrendered area shall satisfy the prescriptions of this Act and its regulations.
- (2) Upon relinquishment of the area or part of the area covered by the Mineral Title in accordance with the provisions of sub-section (1) of this section, the fees payable on the basis of the area covered by the Mineral Title shall be adjusted proportionally taking into account the area relinquished.
- (3) The relinquishment of the area or part of the area covered by the Mineral Title shall not affect the duration of the Mineral Title.
- (4) The relinquishment of the area or part of the area shall not affect any liability incurred by the Mineral Title Holder in respect of the area relinquished prior to the relinquishment, including environmental obligations (*Hon. Ogbuefi Ozomgbachi*)—Agreed to.

Question that New Clause 159 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 160: Contiguous Areas.

- (1) - The Holder of several Mineral Titles whose areas are contiguous may at any time during the period of the validity of such Mineral Titles, upon application to the Mining Cadastre Office in the prescribed form and manner and upon meeting prescribed conditions, consolidate some or all of the contiguous areas covered by the Mineral Titles under a single one of such Mineral Titles, provided the geometry and dimensions of the consolidated area shall satisfy the prescriptions of this Act and its regulations.

section, the validity of the resulting Mineral Title and the surface rents payable for the new area shall be the period of the validity and the surface rents payable for the oldest of the Mineral Title whose area was part of the consolidation (*Hon. Ogbuefi Ozomgbachi*)—Agreed to.

Question that New Clause 160 stand part of the Bill, put and agreed to.

*Committee Recommendation:***New Clause 161:****Abandonment or Permanent Cesser of Production.**

- (1) A Holder of a Mining Lease, Small-Scale Mining Lease, and Quarry Lease intending to abandon or permanently cease production from the Lease Area shall provide a written notice to the relevant departments established under this Act three months before such intended abandonment or cessation of production. A copy of such a notice shall also be given at the same time to the Mining Cadastre Office.
- (2) The notification shall be accompanied by a report outlining details of the intended abandonment or permanent cessation of production and the reasons thereof together with a plan, showing the workings of the Mine up to the time of the notice.
- (3) Upon receipt of the notice in the prescribed form the relevant department shall make appropriate recommendations to the Minister with regards to the abandonment plan.
- (4) Upon receipt of this recommendation the Minister shall within ten days cause the matter to be investigated.
- (5) After investigation of the abandonment or permanent cessation of the production, if the Mineral Title holder maintains the notice, the Mining Cadastre Office shall take note of the abandonment or cessation of production.
- (6) In case of abandonment or permanent cessation of production within the title area, the Mineral Title holder shall —
 - (a) securely seal, fence or cover every mine shaft and audit;
 - (b) make safe all tailings and water retention areas; and
 - (c) demolish, fence or lock all potentially hazardous buildings, structures, plant and equipment.
- (7) In case of suspension of production due to weather, labour situation, market problems or other reasonable causes, the Mineral Title Holder shall inform the Mines Inspectorate Department of the situation as soon as possible.
- (8) If the suspension exceeds three months, the Mineral Title Holder shall send a notice to the Mines Environmental Compliance Department stating the reasons for the extended shut down of the mine and indicating the measures taken in respect of site maintenance, or if abandonment is contemplated the measures that will be taken in accordance with the Environmental Protection and Rehabilitation Program established under the provisions of this Act in the eventuality of the title being transferred to a new operator or surrendered.
- (9) The requirements to be met and the procedure to follow in case of abandonment, permanent cessation or suspension of production by a titleholder shall be defined in the regulations (*Hon. Ogbuefi Ozomgbachi*)
—Agreed to.

Question that New Clause 161 stand part of the Bill, put and agreed to.

*Committee Recommendation:***New Clause 162: Geological Studies and Mapping.**

- (1) For the purpose of determination of the characteristics and undertaking of an inventory of mineral occurrences, the Minister may approve the conduct of geological studies and mapping of the national territory by specialized agencies of the Government, without obtaining a Mineral Title, on any land that is not closed by any other law, provided that if such activity is required to be conducted in an area subject to an Exploration Licence, a Mining Lease, a Small-Scale Mining Lease or a Quarry Lease, a written notice of the proposed activity shall be given by the Minister to the Mineral Title holder.
- (2) Educational institutions regulated under the laws of Nigeria may carry out similar studies of a scientific nature as provided in subsection (1) of this section without obtaining a Mineral Title on the same condition as specified for the Government in sub-section (1) of this section.
- (3) No agency or educational institution authorized to perform any activity described in subsections (1) or (2) of this section may be granted, directly or indirectly and for a period of five years, thereafter, a Mineral Title on any land where studies have been carried out.
- (4) Where an agency of Government or an educational institution undertakes scientific studies authorized under subsections (1) and (2) of this section, compensation shall be paid by the agency or educational institution to the User or Occupier of that land or to the holder of Mineral Title to such land for any damage to the land or any property therein.
- (5) The compensation payable pursuant to subsection (4) of this section may in default of an agreement be claimed and determined by arbitration and shall, in case of any disturbance or damage caused by any employee of Government or by staff or student of the educational institution, be payable by the Government or the educational institution as the case may be (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to*.

Question that New Clause 162 stand pan of the Bill, put and agreed to.

*Committee Recommendation:***New Clause 163: Repeal of the Minerals and Mining Act, 1999.**

- (1) The Minerals and Mining Decree No. 34 of 1999 is hereby repealed.
- (2) The repeal of the enactments specified in subsection (1) of this section shall not affect any thing done or purported to be done under the repealed Act (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to*.

Question that New Clause 163 stand part of the Bill, put and agreed to.

*Committee Recommendation:***New Clause 164: Savings in respect of office holders.**

Any person who, immediately before the commencement of this Act, was holding any office to which appointments may be made under this Act shall continue in that office and be deemed for the purposes of this Act to have been so appointed (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to*.

question that new clause 164 stand part of the bill put and agreed to

*Committee Recommendation:***New Clause 165: Savings provisions in respect of Mineral Titles granted under the Repealed Act.**

- (1) Any person who, immediately before the appointed date, was the Holder of a right or a lease or a licence under the Repealed Act shall be deemed to have become on the appointed date the Holder of an interim right, lease or licence.

- (2) During the interim period, the Holder of an interim right or lease or licence is authorised to carry on the operations which he was authorised to carry on immediately before the appointed date under the right, lease or licence of which he was the Holder; and in carrying on those operations the Holder of the interim right, lease or licence shall in respect of those operations enjoy the same rights and be subject to the same liabilities as if the Repealed Act were still in force.
- (3) The Holder of an existing Mineral Title under the Repealed Act shall immediately upon the commencement of this Act, apply for and be entitled, as the case may be, to the grant of—
- (a) a Reconnaissance Licence; or
 - (b) an Exploration Licence under this Act in respect of the area covered by the interim right or licence.
- (4) An Exploration Licence granted under subsection (1) of this section shall be deemed to have been granted on the date on which the right or Licence under the Repealed Act was granted, and shall remain in force, subject to this Act, for a period equal to the unexpired period of the right or licence under that Act—
- (a) Small-Scale Mining Lease; or
 - (b) Mining Lease.
- (5) A Small-Scale Mining Lease granted under subsection (1) of this section **shall—**
- (a) remain in force, subject to this Act, for such period, not exceeding the unexpired period of the mining licence or lease which remained at the appointed date, or the period of five years, whichever is lesser; and
 - (b) require compliance with the programme of development and mining under the Repealed Act.
- (6) A Mining Lease granted under this section shall —
- (a) remain in force, subject to this Act, for a period equal to the unexpired residue of the Mining Lease held under the Repealed Act;
 - (b) require compliance with the programme of development and mining under the Repealed Act;
 - (c) require compliance with an Environmental Protection and Rehabilitation Program drawn up by the Holder of the interim lease which shall be approved by the Environment Compliance Department established under this Act and shall form part of the conditions of the Mining Lease provided that—
 - (i) it meets the requirements of this Act; and
 - (ii) if the Mines Environmental Compliance Department considers that the program does not meet of this Act any requirements, the matter or matters in dispute shall be referred to an independent expert chosen by agreement between the Committee and the Holder of the interim lease, whose decision shall be binding; and in the event that the Committee and the interim Holder are unable to agree on the choice of the expert, the expert shall be appointed by the Chief Judge of the Federal High Court.

- (7) Where the Holder of an interim lease who, immediately before the appointed date, held a Mining Lease under the Repealed Act elects to apply for a Small-Scale Mining Lease under this Act, the Minister may, if the Holder of the interim lease has before the appointed date been carrying on mining operations on a substantial scale, direct that the applicant apply for a Mining Lease and in any such case the provisions set out in this paragraph shall apply as though the Holder of the interim lease had elected to apply for a Mining Lease.
- (8) The Holder of an interim lease who, immediately before the appointed date, held a Mining Lease or quarrying lease for building or industrial minerals granted under the Repealed Act, may apply for, and shall be granted, in respect of the area covered by his interim Mining Licence or lease under Part XI of this Act a Quarry Lease.
- (9) A Quarry Lease granted under this paragraph—
- (a) shall be granted for such period as may be applied for, but not exceeding the unexpired period of the mining licence or lease which remained at the appointed date, or the period of ten years, whichever is greater; and
- (b) shall not derogate from the compliance requirements attached to the mining licence or lease granted under the Repealed Act.
- (10) The Holder of an interim right or lease or licence for water who, immediately before the appointed date, held a right, lease or licence for water granted under the Repealed Act may apply for, and shall be granted, in respect of the area covered by his interim right, or lease or licence a Water Use Permit.
- (11) A Water Use Permit granted under this section shall be granted for as long as the Mining Lease, Small-Scale Mining Lease or Quarry Lease for which use it was granted remains valid; and shall not derogate from the compliance requirements with the conditions attached to the water right, lease or licence granted under the Repealed Act.
- (12) During the interim period and thereafter, if the transformation has been effected in accordance with this Act, the right, lease or licence held under the Repealed Act shall be adapted to the geometry and boundaries introduced by the Mining Cadastre Office and shall be granted subject to the procedures and requirements of the Mining Cadastre Office, including the payment of the rental and other fees (*Hon. Ogbuefi Ozomgbachi*)—*Agreed to.*

Question that New Clause 165 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 166:

Interpretation.

In this Act, unless the context otherwise requires—

"Access Order" means an order issued by the Minister to the Owner, Occupier, or User of land to compel the user or occupier of land subject to the Mineral Title to give the Holder of the Mineral Title access to the land for the exercise of his

Question that the meaning of the words "Access Order" be as defined in the interpretation to this Act, put and agreed to.

"Alluvial" includes any form of mineral deposit, other than carbonaceous deposit, which does not fall within the definition of "Lode" (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the word "Alluvial" be as defined in the interpretation to this Act, put and agreed to.

"Application" means an application for the grant or surrender of a Mineral Title made in accordance with this Act (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the word "Application" be as defined in the interpretation to this Act, put and agreed to.

"Arbitration" means arbitration in accordance with the Arbitration and Conciliation Act (Chapter 19 of the Laws of the Federation of Nigeria, 1990) (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the words "Arbitration " be as defined in the interpretation to this Act, put and agreed to.

"Artisanal Mining" means Mining Operations limited to the utilization of non-mechanised methods of reconnaissance, exploration, extraction and processing of Mineral Resources within a Small-Scale Mining Lease Area (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the words "Artisanal Mining " be as defined in the interpretation to this Act, put and agreed to.

"Beneficiation" means the crushing and separating of Mineral Ore into valuable substances or waste by any of a variety of techniques (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the word "Beneficiation " be as defined in the interpretation to this Act, put and agreed to.

"Companies and Allied Matters Act" means the Companies and Allied Matters Act, Cap. C20 Laws of the Federation Nigeria, 2004 (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the words "Companies and Allied Matters Act" be as defined in the interpretation to this Act, put and agreed to.

"Committee" or "the Mineral Resources and Environmental Management Committee" means the Committee established under section 12 (1) of this Act (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the words "Committee" or "the Mineral Resources and Environmental Management Committee" be as defined in the interpretation to this Act, put and agreed to.

"Court" means any duly constituted court, in the Federal Republic of Nigeria, other than a Customary Court or an Area Court (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the word "Court" be as defined in the interpretation to this Act, put and agreed to.

"Days" means working days (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the word "Days" be as defined in the interpretation to this Act, put and agreed to.

"Director General" means the Director General of the Mining Cadastre appointed under this Act (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the words "Director-General" be as defined in the interpretation to this Act, put and agreed to.

"Environmental Protection and Rehabilitation Fund" means the Environmental Protection and Rehabilitation Fund established under subsection (1) of section 109 of this Act (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the words "Environmental Protection and Rehabilitation Fund" be as defined in the interpretation to this Act, put and agreed to.

"Environmental Protection and Rehabilitation Program" means the Environmental Protection and Rehabilitation Program required to be provided under this Act (Hon. Ogbuefi Ozomgbachi).

Question that the meaning of the words "Environmental Protection and Rehabilitation Program" be as defined in the interpretation to this Act, put and agreed to.

"Exclusive Economic Zone" means the Exclusive Economic Zone of Nigeria as defined in the Exclusive Economic Zone Act, Cap. E17 Laws of Federation of Nigeria (Hon. Ogbuefi Ozomgbachi).

Question that the meaning of the words "Exclusive Economic Zone " be as defined in the interpretation to this Act, put and agreed to.

"Explore" means the operations and works aimed at the discovery, the determination of characteristics and the evaluation of the economic value of Mineral Resources within an Exploration Licence Area (Hon. Ogbuefi Ozomgbachi).

Question that the meaning of the word "Explore" be as defined in the interpretation to this Act, put and agreed to.

"Exploration Licence Area" means an area that is the subject of an Exploration Licence (Hon. Ogbuefi Ozomgbachi).

Question that the meaning of the words "Exploration Licence Area " be as defined in the interpretation to this Act, put and agreed to.

"Exploration Licence" means Exploration Licence granted under the provisions of this Act (Hon. Ogbuefi Ozomgbachi).

Question that the meaning of the words "Exploration Licence "be as defined in the interpretation to this Act, put and agreed to.

"Exploration Operations" means the operations and works carried out in the course of exploration (Hon. Ogbuefi Ozomgbachi).

Question that the meaning of the words "Exploration Operations" be as defined in the interpretation to this Act, put and agreed to.

"Federal Mines Officer" means the head of the Mines Inspectorate Division of the Federal Ministry of Solid Minerals within a State (Hon. Ogbuefi Ozomgbachi).

Question that the meaning of the words "Federal Mines Officer " be as defined in the interpretation to this Act, put and agreed to.

"Gazette" means an Official Gazette of the Federal Republic or Nigeria (Hon. Ogbuefi Ozomgbachi).

Question that the meaning of the word "Gazette "be as defined in the interpretation to this Act, put and agreed to.

"General Register" means a register maintained by the Mining Cadastre Office in which is recorded applications for Mineral Titles which do not confer an exclusive

Question that the meaning of the words "General Register" be as defined in the interpretation to this Act, put and agreed to,

"Government" means the Government of the Federal Republic of Nigeria (Hon. Ogbuefi Ozomgbachi).

Question that the meaning of the word "Government" be as defined in the interpretation to this Act, put and agreed to.

"Holder" of a Mineral Title means the person to whom such Mineral Title was granted and, where a Mineral Title has been validly transferred, includes a person in whom such Mineral Title or a part of the rights thereunder has become vested by assignment but does not include a mortgagee or chargee or a holder of a security interest thereon {Hon. Ogbuefi Ozomgbachi}.

Question that the meaning of the word "Holder" be as defined in the interpretation to this Act, put and agreed to.

"Holder of a right of occupancy" means a person entitled to a right of occupancy granted or deemed to be granted by virtue of the Land Use Act, Cap L5, Laws of the Federation of Nigeria, 2004 and includes any person to whom a right of occupancy has been validly assigned or has validly devolved on the death of a Holder of a right of occupancy but does not include any person to whom a right of occupancy has been sold or transferred without a valid assignment, nor a 'mortgagee'; 'sub-lessee' or 'sub-under lessee' thereof (Hon. Ogbuefi Ozomgbachi).

Question that the meaning of the words "Holder of a right of occupancy" be as defined in the interpretation to this Act, put and agreed to.

"Lapidary" means an operation established to engage in the cutting and processing of gemstones {Hon. Ogbuefi Ozomgbachi}.

Question that the meaning of the word "Lapidary" be as defined in the interpretation to this Act, put and agreed to.

"Lawful Occupier" in relation to any land means a person who is in actual occupation of the land or any part of it and where there are more than one person, means that one of them who is the owner, or who is responsible or would be so responsible if the land were let at a rent or otherwise occupied in circumstances in which consideration or damages for such occupation would be payable (Hon. Ogbuefi Ozomgbachi).

Question that the meaning of the words "Lawful Occupier" be as defined in the interpretation to this Act, put and agreed to,

"Lode" includes any true mineralized fissure vein, contact vein, segregated vein, bedded vein, metalliferous blanket, stock work, such irregular deposits as conform generically, to the above classification, any igneous rock containing metalliferous or radio-active mineral when work for that mineral, and bed of any mineral, including bed of ironstone (Hon. Ogbuefi Ozomgbachi).

Question that the meaning of the word "Lode " be as defined in the interpretation to this Act, put and agreed to.

"Mine" when used as a noun, means any place, excavation or working in or on which any operation connected with mining is carried on together with all buildings, premises, erections, infrastructure water reservoirs, tailings, ponds, waste, overburden and other dumps, and appliances belonging or appertaining thereto, above or below the ground for the purpose of mining, treating or preparing Minerals, obtaining or extracting any Mineral or metal by any mode or method or for the purpose of dressing mineral ores but does not include a smelter or a refinery (Hon. Ogbuefi Ozomgbachi).

Question that the meaning of the word "Mine " be as defined in the interpretation to this Act, put and agreed to.

"Mine" when used as a verb, means to intentionally mine minerals, and includes any operations directly or indirectly necessary therefore or incidental thereto, including such processing of minerals as may be required to produce a first saleable product, and "mining" shall be construed accordingly (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the word "Mine " be as defined in the interpretation to this Act, put and agreed to.

"Minerals" or "Mineral Resources" means any substance whether in solid, liquid, or gaseous form occurring in or on the earth, formed by or subjected to geological processes including occurrences or deposits of rocks, coal, coal-bed gases, bituminous shales, tar sands, any substances that may be extracted from coal, shale or tar sands, mineral water, and mineral components in tailings and waste piles, but with the exclusion of Petroleum and waters without mineral content (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the words "Minerals " or Mineral Resources " be as defined in the interpretation to this Act, put and agreed to.

"Mineral Exploitation" means operations and works related to the technical and economic utilization of Mineral Resources, including Mine development, extraction, treatment, processing and beneficiation of Mineral Resources as well as the activities necessary or related to the marketing of such Mineral Resources (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the words "Mineral Exploitation" be as defined in the interpretation to this Act, put and agreed to.

"Mineral Title" means Reconnaissance Permit, Exploration Licence, Small Scale Mining Lease, Mining Lease, Water Use Permit, or Quarry Lease or any one of these titles, consistent with the context in which the term "Mineral Title" is used (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the words "Mineral Title " be as defined in the interpretation to this Act, put and agreed to.

"Mining Co-operative" means a group of artisanal miners registered as a co-operative under relevant federal or state laws and Mining Co-operatives shall be construed accordingly (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the words "Mining Co-operative " be as defined in the interpretation to this Act, put and agreed to.

"Mining Lease" means the Mining Lease granted under this Act (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the words "Mining Lease " be as defined in the interpretation to this Act, put and agreed to.

"Mining Operations" means the operations and works carried out in the course of Mineral Exploitation, inclusive of the search for and exploration for Minerals (*Hon. Ogbuefi Ozomgbachi*).

put and agreed to.

"Mining Lease Area" means an area subject to a Mining Lease Area (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the words "Mining Lease Area" be as defined in the interpretation to this Act, put and agreed to.

"Minister" means the Minister responsible for Solid Minerals Development (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the word "Minister" be as defined in the interpretation to this Act, put and agreed to.

"Ministry" means the Ministry responsible for regulating matters relating to the exploration, development and exploitation of Mineral Resources (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the word "Ministry" be as defined in the interpretation to this Act, put and agreed to.

"Mineral Title "Mineral Title Area" means an area in Nigeria that is subject to a Mineral Title (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the words "Mineral Title" be as defined in the interpretation to this Act, put and agreed to.

"Permit" means a Permit granted under this law (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the word "Permit" be as defined in the interpretation to this Act, put and agreed to.

"Person" means an individual or a corporate entity, partnership, joint venture, co-operative, trust, or other entity that is recognized by the law as a distinct body with the right to enter into contracts and to own property (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the word "Person " be as defined in the interpretation to this Act, put and agreed to.

"Petroleum" means any naturally occurring hydrocarbons, or any naturally occurring mixture of hydrocarbons, or any naturally occurring mixture of one or more hydrocarbons, whether in a gaseous, liquid or solid state and any other substance, and including the substances already named, that has been returned to a natural reservoir, but does not include coal, bituminous shalesss, tar sands, any substance that may be extracted from coal, shale or tar sands or any other stratified deposits from which oil can be extracted by destructive distillation (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the word "Petroleum" be as defined in the interpretation to this Act, put and agreed to.

"Pollution" means any change in the environment caused by substances, radio-active or other waves noise, odours, dust or heat emitted from any activity, including the storage or treatment waste or substances, construction or the provision of services where that change has an adverse effect on human health or well being or on the composition or resilience and productivity of natural or managed ecosystems or on materials useful to people, or will have such an effect in the future and "Pollutes" shall be construed accordingly (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the word "Pollution" be as defined in the interpretation to this Act, put and agreed to.

"Prescribed" means as prescribed by the Regulations (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the word "Prescribed" be as defined in the interpretation to this Act, put and agreed to.

"President" means the President of the Federal Republic of Nigeria (*Hon. Ogbuefi Ozomgbachi*),

Question that the meaning of the word "President" be as defined in the interpretation to this Act, put and agreed to.

"Processing" means the operations and works carried out in the course of mineral in order to obtain metals, alloys, or other mineral commodities requiring treatment from other mineral substances either as extracted or as previously subjected to treatment as provided for under this Act (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the word "Processing" be as defined in the interpretation to this Act, put and agreed to.

"Protected trees" means trees which are for the time being declared to be protected trees under the Forestry Law of a State and includes all trees within a forest reserve or a National Park (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the words "Protected trees" be as defined in the interpretation to this Act, put and agreed to.

"Reconnaissance" means the operations and works to carry out the search for Minerals through physical observation, rock sampling, geological surface analysis, geophysical surveys, geochemical surveys, photogeological surveys by other non-obstructive surveys or studies of surface geology or by other remote sensing techniques, laboratory testing and assays (*Hon. Ogbuefi Ozomgbachi*),

Question that the meaning of the word "Reconnaissance" be as defined in the interpretation to this Act, put and agreed to.

"Reconnaissance Area" means an area of land that is the subject of a Reconnaissance Permit (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the words "Reconnaissance Area" be as defined in the interpretation to this Act, put and agreed to.

"Reconnaissance Operations" means the activities conducted further to a Reconnaissance Permit (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the words "Reconnaissance Operations" be as defined in the interpretation to this Act, put and agreed to.

"Reconnaissance Permit" means reconnaissance Permit issued under this Act (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the words "Reconnaissance Permit" be as defined in the interpretation to this Act, put and agreed to.

"Regulations" means regulations made under this Act, which are from time to time, in force (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the word "Regulations" be as defined in the interpretation to this Act, put and agreed to.

_____ constructed by a local community or person and used in connection with exploration or mining operations (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the words "Road", "Tramway" or "Railway" be as defined in the interpretation to this Act, put and agreed to.

"Quarry" means a surface working or uncovered excavation used for the purpose of extracting Mineral Resources for Construction {Hon. Ogbuefi Ozomgbachi}.

Question that the meaning of the word "Quarry " be as defined in the interpretation to this Act, put and agreed to.

"Quarry operations" includes any form of activity for the extraction of Mineral Resources for Construction, other than an activity conducted or to be conducted underground, and any activity preparatory or incidental to that activity thereto (Hon. Ogbuefi Ozomgbachi).

Question that the meaning of the words "Quarry operations" be as defined in the interpretation to this Act, put and agreed to.

"Security Minerals" means a radioactive mineral which contains by weight at least one-twentieth of one percent (0.05%) of uranium, thorium, or any combination thereof including but not limited to monazite, sand and other ores containing thorium, caronite, pitch blend, and other ores containing uranium {Hon. Ogbuefi Ozomgbachi}.

Question that the meaning of the words "Security Minerals" be as defined in the interpretation to this Act, put and agreed to.

"Small-Scale Mining" means Artisanal, Alluvial and other forms of Mining Operations involving the use of low-level technology or application of methods not requiring substantial expenditure for the conduct of Mining Operations within a Small-Scale (Hon. Ogbuefi Ozomgbachi)*

Question that the meaning of the words "Small-Scale Mining" be as defined in the interpretation to this Act, put and agreed to.

"Small-Scale Mining Lease" means the Small-Scale Mining Lease granted for exploitation of Mineral Resources under this Act (Hon. Ogbuefi Ozomgbachi).

Question that the meaning of the words "Small-Scale Mining Lease " be as defined in the interpretation to this Act, put and agreed to.

"Small-Scale Mining Lease Area" means an area that is the subject of a Small-Scale Mining Lease (Hon. Ogbuefi Ozomgbachi).

Question that the meaning of the words "Small-Scale Mining Lease Area " be as defined in the interpretation to this Act, put and agreed to.

" State Government" means the Government of a State within the Federal Republic of Nigeria and shall also include the Federal Capital Territory (Hon. Ogbuefi Ozomgbachi).

Question that the meaning of the words "State Government" be as defined in the interpretation to this Act, put and agreed to.

"Treatment" means operations having the objective of carrying out the concentration, beneficiation and purification of Mineral Resources as well as the separation of the respective mineral substances (Hon. Ogbuefi Ozomgbachi).

Question that the meaning of word treatment be defined in the intrerpretation to this Act, put and agreed to.

"User or Occupier of land" means any person occupying or using land in compliance with the Land Use Act, Cap L5, Laws of the Federation of Nigeria 2004 or customary law and includes the sub-lessees or sub-under lessee of a such User or Occupier of-land (Hon. Ogbuefi Ozomgbachi).

Question that the meaning of the words "User or Occupier of land" be as defined in the interpretation to this Act, put and agreed to.

"Water Use Permit" means a Water Use Permit issued under this Act (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the words "Water Use Permit" be as defined in the interpretation to this Act, put and agreed to.

"Watercourse" means any channel or duct whether natural or artificial, which confines, restricts or directs the flow of water (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the word "Watercourse" be as defined in the interpretation to this Act, put and agreed to.

"Worker" means a workman as defined in section 1 of the Workmen's Compensation Act, Cap. W6, Laws of the Federation of Nigeria, 2004 (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the word "Worker" be as defined in the interpretation to this Act, put and agreed to.

"Won" means the production or extraction of Mineral Resources (*Hon. Ogbuefi Ozomgbachi*).

Question that the meaning of the word "Won" be as defined in the interpretation to this Act, put and agreed to.

Question that New Clause 166 stand part of the Bill, put and agreed to.

Committee Recommendation:

New Clause 167:

Citation.

This Act may be cited as the Minerals and Mining Bill, 2006 (*Hon. Ogbuefi Ozomgbachi*) — *Agreed to.*

Question that New Clause 167 stand part of the Bill, put and agreed to.

Chairman to report Bill:

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in the Committee of Whole resume consideration of the Report of the House Committee on Solid Minerals on a Bill for an Act to Repeal the Minerals and Mining Act, No. 34 of 1999 and Re-Enact the Minerals and Mining Act for the Purposes of Regulating all Aspect of the Exploration and Exploitation of solid Minerals in Nigeria and for Connected Purposes, 2005. It approved new Clauses 20, 21, 22 and 23, amended new Clauses 24, 25, 26, 27 and 28, deleted New Clause 29, approved New Clauses 30, 31, 32, 33, 34, 35, 36 and 37, amended New Clause 38, approved New Clauses 39 and 40, amended New Clauses 41, 42, 43 and 44, approved New Clauses 45, 46, 47, 48, 49, 50, 51 and 52, amended New Clause 53, approved New Clauses 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90 and 91, amended New Clauses 92 and 93, approved New Clause 94, amended New Clause 95, approved New Clause 96, amended New Clause 97, approved New Clauses 98 and 99, amended New Clause 100, amended New Clauses 101 -104, approved New Clauses 105-108, amended New Clauses 109,110and 111, approved New Clauses 112 - 136, amended New Clause 137, approved New Clauses 138 - 140, amended New Clauses 141 and 142, and approved New Clauses 143-167.

Question that the House do adopt the Report of the Committee of Whole, put and agreed to.

7. Adjournment:

And it being 3.00 p.m the House adjourned till Wednesday, 1 June, 2006 at 10.00 a.m.

Aminu Bello Masari
Speaker